

1885-016 Chancery Causes: John S. Day vs Fannie E. Fowler, by & c

Isle of Wight County

other SURNAMES: Butler,
Pierce, Deloach, Joyner

John L. Kay
vs { Mr Doney
Farnis & Fowler by & c

Bill of Complaint.

March Res. 1885.
Bill & expts. filed. gdn.
ad litem apfd. & an. fld.
& jnd. apfd.

Apel. Res. - Set for
hearing.

Apel. Term 1883.
Final Decree

Fowler, he was told that he and his daughter were willing to sell her interest in said land at the same price that others had received, that was not willing to pay more than his pro rata share of the cost of obtaining a decree, but, that if he your complainant would institute proceedings for the sale of said land he would willingly join him - that a sale of said land by his daughter would be beneficial in his opinion - that said land is utterly incapable of being divided & for as much therefore as your complainant is remediless save in a court of Equity where alone such matters are cognizable he prays that said sale may be confirmed as to said infant and that a special commissioner be appointed to make and execute a deed for said interest, or that said interest be sold at public auction as the Court may direct and that a guardian ad litem be appointed to defend the said Joseph E. Fowler and that he be required to answer this bill of complaint ~~that~~ your complainant prays for such other and further general relief as may be meet in Equity and agreeable to good conscience - And your complainant will ever pray &c

W. S. Hallam
p. 9.

Jennie Butler as his heirs at law, and that said Jennie Fowler has also died intestate leaving one child Fannie E. Fowler as her sole heir at law which said Fannie E. Fowler is an infant under the age of 21 years; to wit 15 years old;

That your complainant has purchased this tract of land for two hundred and fifty dollars and has obtained suitable deeds from all the parties interested which deeds are herewith filed marked "B" and prayed to be taken as a part of this bill except the interest of said Fannie E. Fowler;

That as shown by said deeds he paid fifty dollars to each of the devisees of said Elizabeth Butler, they all being old persons of experience and judgment, that he has also purchased the interest of F. A. Butler a grand child of said Elizabeth Butler and one of the heirs of J. O. H. P. Butler equal with said Fannie E. Fowler who ~~was~~ is a great, ~~great~~ grand child of said Elizabeth Butler.

Your complainant also says that before he knew that said F. E. Fowler had any interest in said land he had made some improvement on said land and had cut the timber on said land - that upon application to the father of said F. E.

To the Honorable George Blawie Judge
of the Circuit Court for the County of Isle of Wight County:

I am complainant John L.
Ray of the County of Isle of Wight in the State
of Virginia humbly complaining doth repre-
sent to your honor:

That in or about the year
1875 Elizabeth Butler departed this life
leaving a will which was duly admitted
to probate in the County Court of Isle of Wight
County a copy of which is herewith filed
marked "A" and prayed to be read as a
part of this bill seized and possessed among
other property of the following tract of land:
a certain piece or parcel of land lying and
being in the County of Isle of Wight supposed
to contain sixty acres and adjoins the
lands of W. J. Saunders, Jacob Eley, Mrs. E. Sting-
field and others known as the Betty But-
ler tract. by which said last will and
Testament the said tract of land was devised
in fee simple to her five children to wit:
Morrilla Pierce, who was Morrilla Butler,
Catherine Selbach who was Catherine Butler
Schumpsey Butler, John Butler and Joseph O. H.
F. Butler in equal shares and the last named
devisee who has long since died intestate
leaving F. A. Butler and Jennie Hawlen who was

Gae Ins. L.
or. $\frac{3}{4}$ In clu-
Fowler Tamm E.

Infants answer

Felix Mark Plo.

1885

John L. Gay

Plff.

vs.

In Chancery

Fannie E. Fowler - an infant. Def.

In the Circuit Court of Isle of Wight County.

The answer of the infant Fannie E. Fowler, by N. P. Young her guardian ad litem, to the Bill of complaint in said court exhibited by said John L. Gay against her.

This defendant saving and reserving all right of exception ~~re~~ for answer to said Bill, or to so much thereof as she is advised it is material or necessary for her to answer, answering says that, she is an infant under the age of twenty-one years, and neither admitting nor denying the allegations of said Bill, submits her interest to the protection of this Honorable Court. And having assumed she prays hence to be discharged with her costs in this behalf unreasonably expended.

N. P. Young guardian ad litem

Geo. L. Gay

3 Dec.
to 3rd Aug. 85
at Fall

Fannie E. Foster

50 March St.

1888

Holland, N.Y.

THE COMMONWEALTH OF VIRGINIA,

Shelbyville
To the Sheriff of Nanssemond County—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON

Hannie E. Fowler
an infant under the age of twenty
one years

if *she* be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court for our said County
of *Shelbyville* Nanssemond, at the Rules to be holden for the said Court, on the first Monday in *March* next,
to answer *the Bill in chancery of John L.*

Gay

And have then and there, this writ.

WITNESS, *A.P. Young* ~~PETER B. PRENTIS~~, Clerk of our said Court, at the Office aforesaid, this
of *Febry.*, 188 *5*, in the *159th* year of our foundation.

26th day

A.P. Young CLERK.

Benjamin F. Hayes
book

Windsor, N.H.

Jan

Names

Grandfather Joseph O. S. P. Butler

Mother

Jimmie Sander

Father

William Weston Sander

Child

Samuel S. Sander

Age

15 years 7 months

J. W. J. Fowler a citizen of Isle of Wight
forty three years old, by occupation a
farmer, the father of Honnie E. Fowler
do solemnly affirm that I live about
three miles from the little farm in
which my daughter is interested and I
am well acquainted with the same
and that I am well satisfied that
the sum of twenty-five dollars is
a reasonable and fair price for her
share in said land. that I, as her
friend and father think that it is to
her interest to sell her right to the
purchase of other rights and shares for
the sum of twenty-five dollars.
15 April 1885.

W. J. Fowler

Wit.

James M. Pierce

We the undersigned, J. M. Pierce
and Eliza Poyner, fifty one years and
sixty years old respectfully, both farmers
residents of Isle of Wight county living within
three miles of the ~~Beatha~~ land in which
you Miss Honnie E. Fowler is interested
have heard and read the above affidavit
made by W. J. Fowler and we and each

of us fully endorse what is said by Mr
Hawley the father, we knowing the
son and young Miss Hawley so
well

15 April 1885-

James M. Pierce
Elisha ^{W.} Joyner

Virginia

County of Isle of Wight, to wit:

I, W. S. Holland, a Notary
Public in and for the County of Isle of
Wight in the State of Virginia do certify that
W. J. Hawley, James M. Pierce, and Elisha
Joyner whose names are signed to the writing

above bearing date on the 15th day of April
1885 personally came before me and
made solemn affirmation in due form
of law that the statements contained in
said writing were true to the best of their
knowledge and belief.

W. S. Holland
N. P.

John L. Key
vs E. M. Clouse
Howler & c

21 April 1888-

To be entered

Geo. Blows.

Entered #16.

W. S. Holland for drawing and 2 bills

May John L.

Hawley v. c.

This case came on this day to be heard on the bill of complaint taken for confessed, the answer of the in fact defendant by her guardian ad litem ad litem, also on exhibits and affidavits filed in said case and was argued by counsel on consideration whereof the court doth order, adjudge and decree that ~~the same~~ said sale of the interest in the lands in the bill mentioned be confirmed and that upon the payment by said plaintiff or his agent of twenty-five dollars to the legally qualified guardian of said Homer E. Hawley W.D. Holland who is hereby appointed a Commissioner for that purpose; make and execute a good and sufficient deed with special warranty conveying to said Plaintiff ^{the interest of the said deft. Homer E. Hawley in the lands in the} there offering nothing else to be done in this cause the same is dismissed from the docket at the cost of said plaintiff including a fee of four dollars to said

In Island of Wight County Court, Feby.
7th 1896, The last will and testament of
Elizabeth Butler aed. was proved by the
oath of Elisha J. J. and J. J. Smith,
the subscribing witnesses and ordered to
be recorded.

Teste, L. H. Hart D.C. for
A. D. Young clk.

copy
teste

A. D. Young clk.

Car J. L.
to
Fowler D. C.

Feb 11 1896

I, Elizabeth Butler, being weak but of sound
mind, do make and declare this my last
will and testament in manner and
form as follows, Item 1st. It is my will
and desire that my burial expenses
and just debts be first paid. 2nd. Give
my son John Butler a bond of 21 dollars
and int. 3rd. Whenever I may be taken
sick for death, it is my desire that my
expenses be paid, 4th. It is my will
and desire that all my chattel estate be
brought together with my real estate and
sold publicly at auction except the bury-
ing ground, that is to be retained in by the
parties and kept as a family burying
ground. And the proceeds after paying
all expenses, shall be equally divided be-
tween my five children Marcella Pierce,
Catherine DeLoach, Lemuel C. Butler,
Jas. C. Butler, and John Butler, 5th. It
is my will and desire that my friend Dr. Wm.
H. Duck be my whole and sole executor
to this my last will and testament,
Given under my hand and seal this 21st
day of Decr. 1866.

Witnesses

Elisha^{dis} Joyner
J. J. Duck.

Elizabeth x Butler (Seal)
more

Dempsey C. Butler
To 3 birds of 1348
John L. Key

Dec. 26th 1883.
A.R. on est. of P.O.

Gay 3 In Clg.
to. 3 In Clg.
Folder
Est. P.O.

Recorded D.V.B.
No 47 1/2 - 395

Tax fee paid \$2.25
coll.

In the clerk's office of the county court of
Isle of Wight County, the 26th day of Dec-
ember 1883, This deed from Dempsey C.
Butler to John L. Gay, was admitted to
record in the annexed certificate of H. S.
Halland, a Notary Public -

Test,

H. S. Youngclerk

And the said

Sampson C. Butler

covenants

that he has the right to convey the said land to the said grantee; that the said grantee shall have quiet possession of the said land; that he has done no act to encumber the said land; and that he will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals:

Sampson C. Butler [SEAL]

WITNESSES:

W. S. Holland

[SEAL.]

State of Virginia,

To Wit:

County of

in and for the county aforesaid.

in the State of Virginia. do certify that

the wife

of

whose names are

signed to the writing above, bearing date the

day of

187 , personally appeared before

in the county aforesaid, and being duly examined by

privily and apart from her husband, and having the writing aforesaid fully explained to her, she the

said

acknowledged the said writing to

be her act, and declared that she had willingly executed the same, and does not wish to retract it.

Given under

hand this

day of

eighteen

hundred and seventy

VIRGINIA:

County of *Isle of Wight*

To Wit:

I. *W. S. Holland* a Notary Public in and for

the said county, in the State of Virginia. do certify that

Sampson C. Butler

whose name is signed to the writing above, bearing

date the

29th

day of

September

1853

, has acknowledged the same

before me in the county aforesaid.

Given under my hand this

29th

day of

September

1853

W. S. Holland
W. S.

This Deed, made this 29th day of September
in the year of our Lord one thousand eight hundred and ~~seventy~~ eighty three between
Sam^y C. Butler and
his wife, of the County of Isle of Wight
in the State of Virginia, of the one part, and John L. Hay
of said county and state
of the other part, WITNESSETH: That in consideration
of the sum of Fifty dollars cash in hand paid the
the said receipt whereof is hereby acknowledged
Sam^y C. Butler and
his wife, do grant with general warranty, unto the said John L. Hay

and to his heirs and assigns, forever, the following real estate, to-wit:

all the right title, and interest
of every kind whatsoever of all
kind and description in and to
the following tract of land lying
and being in said county of
Isle of Wight on the road leading
from Windsor to Blackwater-Bridge
known as the Elizabeth Butler
tract bounded by the lands
of W. J. Saunders, Jno. E. Shingfield
Jacob Eley, C. H. C. Bailey and others
containing sixty acres more
or less -

together with all and singular the appurtenances belonging to the same.

Belvaish Hines
To 3 Deed

Mo. & Gay

Dec. 26th 1883.

A. H. on est. of P. O.

Gau
co. 3 Inch
Tinder
Cybr. B.

Recorded D. B.
Vol 47, pg 396.

Tax for said 2.25
Ch.

in and for the County of Isle of Wight in
the State of Virginia, do certify that
Catherine E. Deloach and Marsilla
Pierce whose names are signed to
the writing above bearing date
on the 9th day of October 1883
A.D. personally appeared before me
in my said County and State and
acknowledged the said writing to
be their act and deed. Given under
my hand this 13th day of October
1883 A.D.

W. S. Holland
J. P.

In the Clerk's office of the County Court
of Isle of Wight County, the 26th day of
December, 1883, This Deed from C. E.
Deloach and Marsilla Pierce to John
Gay, was admitted to record in the
annexed certificate of W. S. Holland a
Notary Public.

Teste,
A. J. Youngcl B.

South by the lands of John C.
Stringfield & Jacob Ely, on the west by
lands of C. H. C. Bailey and on the
North by the County road leading
from Windsor to Black water Bridge,
and contains Sixty acres more or
less, together with all and singular the
one half acre for grove yard is excepted & reserved
appurtenances belonging to the same -
And the said Catharine C. Deloach
and Marsilla Pierce covenants that
they have the right to convey the said
land to the said grantee; that the said
grantee shall have quiet possession of
the said land; that they have done no
act to encumber the said land and
that they will execute such further
assurances of the said land as
may be requisite.

Witness the following Signatures
& Seals

witness.

Catharine C. Deloach (Seal)
Marsilla ^{her} X Pierce (Seal)
doers.

Virginia

County of Isle of Wight, to wit:

I, W. S. Holland a Notary Public

This deed made this 9th day of
October in the year of our Lord
one thousand eight hundred and
eighty three between Catharine
E. Beloach, and Marsilla Pierce
of the first part, and John V. Gay
of the other part, all the parties
residing and being in the county
of Isle of Wight, and State of
Virginia, - Witnesseth that in
consideration of the Sum of Fifty
dollars cash in hand paid the
receipt whereof is hereby acknowledged
the said Catharine E. Beloach,
and Marsilla Pierce, doth grant
with general warranty, unto the said
John V. Gay. and to his heirs and
assigns, forever, the following real
estate to-wit;

All the right title and interest
of every kind whatsoever in and
to the following Tract of land
lying and being in said county of
Isle of Wight - on the county
road leading from Windsor to
Black water bridge, and known
as the Ellybith Butler tract,
and bounded as follows on the
East by the lands of W. J. Saunders, on the

P. A. Butler & wife
21 1/2 bu of P. 18.
John L. Gay

Octo. 29th. 1884.
A.R. on cts. of P. 18.

Gay 3 In ch
vs.
Fowler
Oct. 18.

Keen's Seed Book
No 48 p: 108.

Pay	_____	. 50
For	_____	1. 25
		<u>\$ 1. 75</u>

Chgd. by
request of J. M. Gay
clerk.

In the Clerk's office of the county court of
of Wight county the 29th. day of October 1884.
this deed from P. A. Butler and Mary J. his
wife to John L. Gay, was admitted to record
on the annexed certificate of W. S. Holland
a Notary Public.

Teste,

N. S. Young att.

And the said

P. A. Butler

covenants

that he has the right to convey the said land to the said grantee; that the said grantee shall have quiet possession of the said land: that he has done no act to encumber the said land; and that he will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals:

WITNESSES:

P. A. Butler [SEAL.]

Mary J. Butler [SEAL.]

State of Virginia,

County of Isle of Wight

To Wit:

L. W. S. Holland a Notary Public in and for the county aforesaid.

in the State of Virginia, do certify that Mary J. Butler the wife of P. A. Butler whose names are

signed to the writing above, bearing date the 8th day of October

1884, personally appeared before me in the county aforesaid, and being duly examined by me

privily and apart from her husband, and having the writing aforesaid fully explained to her, she the

said Mary J. Butler acknowledged the said writing to

be her act, and declared that she had willingly executed the same, and does not wish to retract it.

Given under my hand this 8th day of October eighteen hundred and ~~seventy~~ eighty-four -

W. S. Holland
N. P.

VIRGINIA:

County of Isle of Wight

To Wit:

I. W. S. Holland, a Notary Public in and for the said county, in the State of Virginia, do certify that P. A. Butler

whose name is signed to the writing above, bearing

date the 8th day of October 1884, has acknowledged the same

before me in the county aforesaid.

Given under my hand this 8th day of October 1884

W. S. Holland
N. P.

This Deed, made the 8th day of October

in the year of our Lord one thousand eight hundred and ~~seventy~~ eighty four, between

P. A. Butler

and

May J. Butler his wife, of the county of Accomack

in the State of Virginia, of the one part, and

John L. Hay

of Isle of Wight County in the

said State

of the other part, WITNESSETH: That in consideration

of the sum of Twenty five dollars cash in hand paid
the receipt whereof is hereby acknowledged and
the said P. A. Butler and May J. Butler

his wife, do grant with general warranty, unto the said

John L. Hay

and to his heirs and assigns, forever, the following real estate, to-wit:

All their right, title and interest
of every kind and description in law
or in equity in and to all that
tract of land lying and being in the
county of Isle of Wight known as the
"Elizabeth Butler tract of land" con-
taining sixty acres be the same more
or less and joining the lands W. J. Sam-
uels and others on the county road
leading from Windsor to Blackwater
bridge - it being the lands of the
said Elizabeth Butler dec'd seized
and possessed of whom the said P. A.
Butler is a grandson -

together with all and singular the appurtenances belonging to the same.

San W. Fowler - Clerk
Eph. B.

Deed of Bargain and Sale.

John B. Butler & af.

TO

John L. Gay.

Octo. 29th 1884.
A.Rd. on Cef. of A.R.
"

Recorded Deed Book
No 48. p. 110.

Tax	_____	.50
Fee	_____	1.25
Chgd. by request of Jas. M. Gay	\$	<u>1.75</u>

OK.

And the said John B. Butler covenants that he has the right to convey the said land to the said grantee; that the said grantee shall have quiet possession of the said land; that he has done no act to encumber the said land; and that he will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals:

Witnesses:

J. M. Hawks

^{his}
John B. Butler [SEAL.]
^{mark}

^{his}
Winny Butler [SEAL.]
^{mark}

State of Virginia,

County of *Norfolk*

{ To wit:

I, Peter B. Prentiss, a Commissioner in Chancery of the Circuit Court in and for the county aforesaid in the State of Virginia, do certify that Winny Butler the wife of John B. Butler, whose names are

signed to the writing above, bearing date the 27th day of October 1884, personally appeared before me in the county aforesaid, and being duly examined by me privily and apart from her husband, and having the writing aforesaid fully explained to her, she the said Winny Butler, acknowledged the said writing to be her act, and declared that she had willingly executed the same, and does not wish to retract it.

Given under my hand this 27th day of October, eighteen hundred and eighty-four

Peter B. Prentiss
Comm^r in Chy.

Virginia,

County of *Norfolk*

{ To wit:

Court

I, Peter B. Prentiss, a Commissioner in Chancery of the Circuit Court in and for the said county, in the State of Virginia, do certify that John B. Butler whose name is signed to the writing above, bearing date the 27th day of October 1884, has acknowledged the same before me in the county aforesaid.

Given under my hand this 27th day of October 1884

Peter B. Prentiss
Comm^r in Chy.

In the Clerk's office of the Circuit Court of Isle of Wight County, the 29th day of October, 1884, this deed from John B. Butler & wife to John L. Gay was admitted to record on the annexed certificate of Peter B. Prentiss a Commissioner in Chancery.
Teste, J. D. Youngell

This Deed, made the 27th day
 of October in the year of our Lord one thousand eight hundred
 and eighty-four between John B. Butler
 and Winney his wife of the
 Hanscombs in the State of Virginia
 of the one part, and John L. Gay
 of the County of Isle of Wight
 and State aforesaid of the other part, **Witnesseth:** That in con-
 sideration of the sum of Fifty (50) dollars,
 the said
 John B. Butler and Winney,
 his wife, do grant with general warranty, unto the said John L. Gay
 and to his heirs and assigns, forever, the
 following real estate, to wit: all the right, title, interest and
 estate of every character, whatever, of the said John B. Butler
 and wife, of, in and to all that tract, piece or parcel of land,
 situate, lying and being in Windsor Magisterial District,
 in Isle of Wight County aforesaid, estimated to contain Eighty-
 80/ acres, more or less, and adjoining the lands of Joseph
 Johnson, Jacob Ely and ~~John~~ J. M. & W. J. A. Saunders. The interest in the
 tract of land here conveyed, being that to which the said John B.
 Butler derived title from his mother, Elizabeth Butler.

together with all and singular the appurtenances belonging to the same.