

1888-005 Chancery Causes: James H. Butler & al . . . vs Elijah Butler's admr,
Isle of Wight County Louisa Butler, widow of Elijah Butler & al

Other SURNames: Carr,
HARRell, Joyner, Holland

To the Hon. Res. Blew judge of
the circuit court for Isle of Wight County.

Your complainants James H.
Butler, Mary J. Barr and Solomon Barr
her husband, Joseph M. Butler, Elijah
L. Butler, E. O. Butler and M. K. Horrell
humbly complaining showeth to your
Honor:

That some time in May in the year
1885 Elijah Butler departed this life
intestate seized and possessed of considerable
personal estate and a small farm
lying and being in the County of Isle of
Wight adjoining the lands of Allen Hedgebut,
George Beck and others as shown by a
copy of his deed herewith filed marked
"A" and prayed to be read as a part of
this bill, leaving as his heirs at law
the following: James H. Butler, Mary J.
Barr who was Mary J. Butler, Joseph
M. Butler, Elijah L. Butler, E. O. But-
ler and Judith A. Joyner who was Judith
A. Butler his children and Etta Hor-
rell an infant daughter and sole
heir at law of Margaret L. ^{Horrell} ^{whos was}
Margaret L. Butler the wife of ^{and daughter of said E. Butler} M. K. Horrell
who died long before Elijah Butler;
and leaving also a widow Louisa

Butler.

That said Eliph Butler owed ^{debts} nothing
or very few ^{of outstanding and unpaid at the time} at the time of his death.
That his personal estate is more than
ample to pay all expenses of burial
all debts &c now due by the estate.

That said real estate consists of the
small farm aforesaid which your com-
plainers say, in their opinion, is not suscep-
tible of partition among the parties thereto,
there being seven parties and the farm being
small. That from the nature and character
of said land it would be worthless if
divided into seven shares - and if not suscep-
tible as your complainants charge, then
the same to be sold, and the proceeds divid-
ed, among the adult and the infant parties
according to their respective rights; the shares
of the infants to be held as directed by the
statute in such case made and provided. Should
the property not be divisible in kind, your
complainants believe, and here state, that the
interest of those who are entitled to the said
real estate or its proceeds will be promo-
ted by a sale of the whole of the said
real estate, or by an allotment of part
and a sale of the residue.

In tender consideration whereof, and

for as much as your Complainants are demanded
fore in a court of equity where such matters
are alone and properly cognizable your
Complainants pray that W. S. Holland ad-
ministrators of said Eliot Butler's estate,
said Judith A. Joyner, Thomas Joyner,
Louisa Butler widow and relict of said Eliot
Butler dec'd, and Etta. Horrell an infant
under the age of 14 years be made parties
defendants to this bill, and required on
their oaths to answer the same; that a
proper guardian ad litem be appointed the
said infant defendant to defend her inter-
est in this suit, who shall also answer
this bill; that proper process issue;
that the said real estate be divided between
the several parties entitled thereto, and your
Complainants, portion thereof be allotted to
them, and in case the said real estate
cannot be partitioned and divided in kind,
that the same be exposed to sale and the
proceeds of such sale be divided among
the parties entitled thereto, that all proper
orders and decrees may be made, the
dower of said Louisa may be assigned
to her by metes and bounds, that
said W. S. Holland administrator as fore said
make before a Master Commissioner of
this Court, an account of his doings

J. H. Butler et. als.

vs } In chancery

Louisa Butler et. als

Bill of Complaint.

Sept. Res. 1885.

Bill filed, sum. exp. & de.
vise. vs. adult defo. Gdn.
admission of g. to inst. def.
and. filed & gnl. resp. etc.

Octo. Res. " Bill taken
for confid. as to adult
Def. + set for hearing.

Decr. term 1885.

De. app'g. comm. to lay
off dms. & make refit.

Apr. 1886. De. Conf'g.
refit: "Garden" & for sale.

Apr. 1886 De. Conf'g. sept.
of sale & for acc.

Apr. 1887. De. Conf'g. sept. +
for distrib. & to make deed

Apr. 1888. Final Decree

and transaction as such administration
and that said Moral County report the
same to court; and all proper expen-
ses be disallowed and that all such other
parties and persons be notified. May be opposed
at your own pleasure and as the nature of his
case may require, or to signify shall seem
meet, and your own pleasure will govern
therein.

W. T. Stearns
Ct. Cl.

Answer of Etta Horrell in infant
under of the age of 21 years, by A. P. Young
her guardian ad litem assigned to defend
her in this suit and the answer of the
said A. P. Young guardian ad litem to
the said infant defendant Etta Horrell
to a bill in equity exhibited against the
said Etta Horrell and others in the Circuit
Court for the State of West Virginia by J. H. Butler
and others.

For answer to the said bill
the said infant defendant by her said guardian
ad litem, answers and says. That being of
tender years, she does not know what in
true interests are in relation to the subject
matter of the said bill, nor does she know
whether the statements therein contained
are true or not. She confides the pro-
tection of her interests to the care of the
Court. And the said guardian ad litem
to the said infant defendant, for answer to
to the said bill, answers and says that
he knows nothing as to the truth or falsity
of the statements in the bill contained.
He prays full protection for the said
infant defendant. And now having fully
answered, these defendants pray them to
be dismissed with costs &c.

A. P. Young guardian ad litem.

Letter J. H. et al.

vs { In doering

Butt. Louisiana et al.

Answer of A. P. Young
vs. D. L. L. —————
Filed Sept. 1885.

Mr. J. H. et al.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON

*Louisa Butler widow of Elijah Butler
decd. Judith A. Joyner and Thomas Joyner, H. S. Holland admr. of Elijah
Butler decd. and Etta Harrell, the last an infant under 21 years
of age*

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 *Bill in Chancery,*

*of James H. Butler, Mary J. Carr, & Solomon
Carr her husband, Joseph M. Butler, Elijah L.
Butler, E. O. Butler, M. H. Harrell*

of a plea of _____ for \$ _____ Damages \$ _____ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Courthouse the *31st* day of *August*

188*5*, in the *110th* year of the Commonwealth.

N. P. Young

Butler J. H. Esq.

vs. $\frac{1}{3}$ Secus.
in chq.

Butlers Elys isida tra

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To Sept. Rules 1884.

W. S. Holland per

...

W. S. Holland per

...

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...

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Bentley. N. d. d.

3 Series in
D. B. ch. 1

Bentley Louisa stat.

1

To Lett. P. l. 1885.

to S. Holland p. 1

Executed Sept 4th 1885 -
and a copy here of
delivered to J. T. L. C. & C.

J. T. L. C. & C.

J. T. L. C. & C.
for J. T. Fulham Stiff

THE COMMONWEALTH OF VIRGINIA,

Wassachusetts
~~*Southern*~~

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON

Louisa Butler widow of Elijah Butler decd. Judith A. Joynes, and Thomas Joynes, H. S. Hoveaud
admr. of Elijah Butler decd. and Etta Harree, the last an infant
under 21 years of age

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 *Bills in Chancery*

of James H. Butler, Mary J. Learr & Sweeney Learr
her husband, Joseph M. Butler, Elijah L. Butler
E. O. Butler, and M. H. Harree

of a plea of _____ for \$ _____ Damages \$ _____ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Courthouse the *31st* day of *August*

188*3*¹, in the *110th* year of the Commonwealth.

N. P. Young *clerk*

In the Circuit Court of the
County of Isabella Michigan, the
21st day of April A.D. 1886.

J. N. Butterfield - - - - - Plff.
vs. ³ The Chancery
Lauris Butterfield - - - - - Defs.

This cause came on this day
to be again heard on the papers
formerly read, and on the reports
of commissioners J. E. Ely, T. S. Har-
rison, and James M. Johnson, to which
reports no exceptions have been
filed and was argued by Counsel.
On consideration whereof the
court doth order adjudge and
decree that said reports be and
the same is hereby ratified and
confirmed, that Lauris Butter
the widow of Elijah Butter deceased
has and does for her natu-
ral life the following portion of
real estate of which said Elijah
Butter died seized and possessed:
"Commencing at a real oak at
Jesse Decker's fence, running along
a line of chopped trees and an
old path by the east end of the

dwelling house to a stone, which said
stone is 130 yards from the said dwelling
house, thence in a westerly direction
to the branch at the line of Capt W. E. Barnes
decd. at a marked tree, thence the said
branch at said tree along the line
of the lands of W. E. Barnes to the lands
of Jesse Duck, thence along the line
between said Jesse Duck and said
E. Butler deceased to the starting point,
this boundary takes in the dwelling house,
Kitchen, smoke house and outhouse and
for her dower in the lands of her said
husband and recommended in said
Commissioner's report; and the Court doth
further adjudge order and decree that the
lands of which said E. Butler died
seized and possessed, subject to the
conditions as aforesaid be sold, that
W. S. Calland who is hereby appointed
as Special Commissioner for that
purpose sell the real estate aforesaid,
subject to the widow's dower as aforesaid
said having first given notice by
printed hand bills for thirty days
before the Court house door of Liberty High
County on some Court day on the
following terms = Cash sufficient to

pay cost of suit and ^{Expenses of} ~~cost~~ including
 a fee to H. S. Hallam Counsel in
 this cause in addition to the Statutory
 fee of \$30⁰⁰ the rest in two equal
 payments of six and twelve months
 the purchaser to give his bond and
 security for the deferred payments, title
 retained till purchase money all
 paid and till further order of this
 court. But said H. S. Hallam
 shall not discharge any of his du-
 ties under this decree till he shall
 execute before the Clerk of this Court
 a bond with good security in
 the penalty of \$350⁰⁰ conditioned
 for the faithful performance of his
 duties under this and all subsequent
 decrees in this cause that said
 H. S. Hallam make up to court,

as of my

Dated = N. P. Young C. C. R.

Atto. fee as all. by court stay \$46.50

Clerk's fees - - - - - 8.42 Pa. N. P. Young

Stff. of digit fee - - - 1.00 Pd. R. A. Edwards

Stff. Mans. " " 1.00

J. F. Eley, J. H. Harrison &

Paid J. H. Harrison

for W. Johnson cond. each \$2.50 = 6.00

Costs to including apl. Ct 1886 \$62.92

Butler J. B. et al¹¹

v. $\frac{3}{2}$ Luchey-

Butler L. et al

Apr. term Cir Ct 1886
of Queen for sale &c

62.92	92
2.00	00
2.00	00
62.92	
<hr/>	
2	296.58
148.29	
<hr/>	
	366.50
	69.92

The undersigned your special Commissioner appointed under a decree a copy of which is herewith filed as a part of this report begs leave to report as follows: that on the 5th day of July 1886 your Commissioner having advertised as required by said decree proceeded to sell the lands in said decree mentioned at the County Court House on July Court day at public auction and one J. M. Butler one of the heirs at law of Elijah Butler deceased became the highest bidder at the sum of three hundred and sixty-six dollars, but failed to comply with the terms of said sale by failing to make the cash payment and by failing to give the bond required; accordingly your Commissioner re-advertised said land and sold it at public auction at said Court House door on 6th day of Sept. 1886, it being Court day to B. J. Holland who became the highest bidder at the price of three hundred and sixty-six dollars and fifty cents of which said sum the sum of \$69.92 was paid in cash, and two bonds each \$148.29 making in all \$366.50

The price of land sold and that your Commissioner paid out the cash

by unit as follows as will appear by receipts herewith filed:

Retains fee & tax	\$46.50
Clerk fees	8.42
Sheriff D. J. W. Co	1.00
" " Hannum	1.00
Ely, Harrison & Johnson each $\frac{1}{2}$	6.00
Crier's fee	5.00
Printing notices (a copy filed)	2.00
Total	\$69.92

And you can inspect files herewith said bonds - he regards the surety couple and recommends to you honor that said role be confined - the property being sold for more than its appraised value, all which is respectfully submitted.

Respectfully
W. S. Hallant
Special Court

Clerk, Office District Court Co. Jan 8th 1889

By authority of a decree of the District Court of Isle of Wight County rendered in this cause of Beeter et al. vs. 4. Beeter et al. at April term 1887, I have received from the clerk of said court the two bonds of G. S. Holland & J. G. Jones for \$148.75 each which were filed in this report
W. S. Hallant

Beeter et al. vs.

Report of sale

Beeter et al. vs.

Recd of W. S. Holland Crsr. in
Five dollars for Selling the Elijah Butler
land

Octo 21st 1886. R. A. Edwards Crsr

NOTICE!

Pursuant to a decree rendered at the April term, 1886, of the Circuit court of Isle of Wight county, in the cause of J. H. Butler et als. vs. Louisa Butler et als., I shall offer for sale to the highest bidder, at public auction, before the Courthouse door of Isle of Wight county,

ON MONDAY, JULY 5th, 1886,

it being court day, all that valuable tract of land of which Elijah Butler died seized and possessed, adjacent to the lands of the late William E. Barnes, Jesse Duck and others, about one and one-half miles from Carrsville, on the Seaboard and Roanoke railroad, subject to the widow's dower, already assigned her.

TERMS—Cash sufficient to pay costs of suit and expenses of sale, the remainder in two payments at six and twelve months, bond and surety taken of purchaser, and title retained till last payment and further order of Court.

W. S. HOLLAND, Special Commissioner.

R. A. EDWARDS, Crier.

CLERK'S OFFICE ISLE OF WIGHT CIRCUIT COURT, }
ISLE OF WIGHT C. H., VA., June 7, 1886. }

I, N. P. YOUNG, Clerk of the said Circuit court, do certify that W. S. HOLLAND, Commissioner named in the above mentioned decree, has executed the bond thereby required.

Teste: **N. P. YOUNG, CLERK.**

The above land was sold at the time and place above mentioned, and the purchaser has failed to comply with terms—he has paid nothing and given no bonds. I shall RESELL the land above mentioned, at Isle of Wight Courthouse,

On Monday, September 6, 1886,

on same terms as above. The first purchaser will be held responsible for deficiency, if any. At next sale purchaser must comply immediately, or he will be likewise held responsible, and the property sold a third time, at same place on same day.

W. S. HOLLAND, Special Commissioner.

July 28, 1886.

6650 To J. Howard.

A. C. Howard

NOTION

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...

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261
6
9

878
5
61
9

62-92

The undersigned your Commissioner
under a decree entered at the Oct.
term 1885 of the circuit Court of the
County of Wick County in the case of
J. H. Butler and others vs L. Butler,
widow of E. Butler and others defendants
and a copy of which said decree
is herewith filed as a part of this
report; we beg leave to submit to
the Court the following report:

That in pursuance of said decree
we did on the 25th day of November 1885
having first been duly sworn accord-
ing to law, did proceed to lay off
by metes and bounds one equal third
in the lands of which E. Butler did
seize and possess to Mrs L. Butler
the widow and relict of said E. Butler
as and for her dower in said
real estate as follows: Commencing
at a red oak at John Buck's fence
thence south along a line of chopped
trees and the old path by the East
End of the dwelling house to a slab,
where said slab is 150 yds from the
dwelling house, from said slab
in a westerly direction to the branch
at the line of Capt. W. E. ~~Boomer~~ ~~deid.~~
at a marked tree, from said last tree

in the branch up said branch along
the line of the lands of said W. E. Bener
to the lands of Jesseduck, thence along
the line between said Jesseduck and
E. Butler dec'd. to the starting point -
which said lower takes in the lands on
which the dwelling house, kitchen, smoke
house and crib stands. which said
land we assigned to said L. Butler
as and for her dower in the real estate
of which said E. Butler was in
his life time possessed and of
which he died seized and possessed.

We beg further to report that
the lands of which said E. Butler died
seized and possessed are not capable of
a division in kind and that a sale
of the same and a division of the pro-
ceeds to the heirs at law of said E.

Butler dec'd. for the following reasons
to wit: that said land is so small a division
in kind to each of said heirs would be
utterly impracticable, because each share
would be so little that one share would
be worthless, that the interest on the
money arising from the sale of said land
would be worth more than the rents,
and profits after deducting necessary repairs

and for the further reason that some
of said heirs need their money.

That in our opinion
the tract of land subject to the widows
dower is \$300 and that said heirs
at law desire a sale of said land.

All which is respectfully
submitted

26 Feb 1886

J. F. Eley

J. H. Harrison
mak.

James W. Johnson

Courso

Virginia

County of Daley wishe, to-wit:

I, W. S. Hallouid a Justice Public
in and for the County of Daley wishe in the State
of Virginia, do certify that J. F. Eley, J. H. Harrison
and James W. Johnson whose names are
signed to the above report, and made
oath before me in my said County
to discharge their duties under the decree
with the above report filed according to
law to the best of their ability. Given
under my hand this 25th day of November
1885

W. S. Hallouid
Justice Public.

J. H. Butler et. als.

V^s $\frac{1}{2}$ In chancery

L. Butler widow et al

Commissioner's Report assign-
ing dower and report
the impracticability of partici-
pation in kind

April 10th 1886.
Filed

April term 1886.
Conferred by court,

In the Circuit Court of Isle of Wight County.

James H. Butler, Mary J. Carr & Solomon Carr
her husband; Joseph M. Butler, Elijah L.
Butler; Eugene D. Butler and M. S. Farrell. *Plffs.*

vs. $\frac{2}{3}$ *In Chy.*

Louisa Butler widow of Elijah Butler decd;
Judith A. Joyner and Thomas Joyner her husband;
Wm. Holland admor. of Elijah Butler decd;
and Etta Harrell. The last an infant - *Dfts.*
Commissaries Office, Isle of Wight Co. Va. Jan. 12. 1887.
to the Circuit Court of Isle of Wight County.

Pursuant to a decree of the said Circuit
Court, rendered on the 25th day of October 1886,
in the above cause requiring one of the com-
missaries of the Court to take and report to
the court, an account showing to whom
and in what proportion, the proceeds of
the land in the proceedings mentioned,
is payable. And to ascertain and report
whether there is any lien on any of the shares
of any of the parties entitled thereto. Your
commissary reports to the court that, on
the 8th day of Decr. 1886, he issued notices
to the parties, plaintiffs and defendants, and
he had fixed upon the 12th day of
Jan. 1887 to take the account
and make the enquiry required by the said
decree. That said notices were duly served
and returned to your commissary.
That the parties appeared in person or
by attorney in pursuance of said notices,
whereupon, from the evidence before

Your commissioner in reports to the Court that the proceeds of the land in the proceedings mentioned should be distributed among the following parties, and in the following proportions, to wit:

1. To Mary J. Carr wife of Solomon Carr, one seventh.
2. " James D. Butler, one seventh.
3. " Joseph M. Butler, one seventh.
4. " Judith A. Joyner wife of Thomas, One seventh.
5. " Elijah L. Butler, one seventh.
6. " Eugene D. Butler, one seventh.
7. " Etta Harrell child of Margaret Harrell, one seventh.

The first six of whom, are children, and the seventh being a grand child of Elijah Butler decd.

Your commissioner reports, further that upon enquiry, he finds that there is no lien upon the share of any one of the said distributees.

The dower of Horisa Butler, the widow of said Elijah Butler decd. having been set aside to her, as appears by the report of the commissioner filed in the case, and confirmed by the Court, she is not entitled to any share in said proceeds.

Given under my hand, as a commissioner of the said Circuit Court, the day and year first aforesaid.

J. P. Jones, Comr.

Time employed 12 hrs.

Court fee \$9.00

Steff. " 5.50

Cts before Court. \$14.50

Butler et al.

vs. $\frac{3}{3}$ In Ch.

Butler et al. et seq.

Report of Court. Term
under decree of Octo.

term 1886.

Filed Jan. 13th 1887

April term 1887
Confirmed by Court

1888 - March 14th
Recd of W. S. & Co. account
party 24 + 93/100 dollars
(part of the money coming
from the
to Etta Harro -)

J. S. Harro
Guardian for Etta Harro

Recd of J P Holland Forty six
dollars + $\frac{93}{100}$ (\$46⁹³) as amt-due
him by W S Holland admt of
Eliot Butler, for his share & maint
in the real estate of said Eliot -
Butler.

Franklin V^{er}

March-14/88

Eugene C Butler

W. S. Holland
Clerk,

£ 95.00

1887
Jan'y.

W. S. Holland cont. to Kay

Chy. Sect of pro. H. Butler et al; "Lucy Butler et al
To N. P. Young a cont. in Chy. of Cir. Ct. Ida of Wright
Term in inf. notice, making, reporting
acct. under decree of Oct. 1886. . . . \$ 9.00

N. P. Young Cont.

Butler J. H.

July.

\$8.42

Wm. Holloway
to pay.

Paid July 11/87

A. W. [unclear]
[unclear]

James H. Butler, Mary J. Can & Solo. Can, her
husband, Jos. W. Butler & heirs.

dr.

1885

To the acct. of Sol. of Wright & Co. & Co.
Aug. 2 sums in chg. of Butler, James & wife, 50-

copy. 65 - noting. 36 - enty. atto. 10 - & sep. filing bill
& expts. 40, Oct. 35 - Pl. for self. 30 - Pl. for instr. 50.
Atto. 10, fly. ans. 15, repl. 15, Octo. another, 2l. 50,

1886

dictating suit. 18 - Octo. ch. decree & copy for dower. 75 - 5.77

Apr.

Filing rept. of dower. 15 - decree & copy for sale. \$1.00
com's bond & filing. 65 - decy. 50 - copy. 40 (filing copy. 15)

taxing costs & copy. 40 -

J. P. Young, Clk.

9.25

\$8.42

To	proceeds of bonds		\$305.58
By	Rain Costs as per A.P. Ref.	14.50	
"	" w. S. H. for day dead	5.00	
"	amt. retained to pay costs	1.00	
"	Rain each of seven heirs as per voucher & \$46.93		
	Making in all	528.50	
To	Bal. due Court.		43.62
		\$349.00	\$849.00

This bal. due Court was paid to heirs on account of rent collected on land for one year from J. V. Holland at request of heirs

W. S. Holland

Lands rented for 40.50
interest collected 3.12
\$43.62

4. Judith A. Doquer wife of Thomas. child
7. Etta Barnell child of Margaret. gr. "
7. James W. Butler "
1. Grand. Carr wif. of Solo. "
2. Jos. M. Butler "
5. Elijah S. Butler "
6. Eugene O. Butler "

Heirs of Elijah Butler all equally
entitled.

RECEIVED OF W. S. HOLLAND SPE.
COM. R. IN THE SUIT OF BUTLER ET AL. VS. BUTLER, LOUISE ET. AL.
EACH, THE SUM OF FORTY-SEVEN DOLLARS AND NINE-THREE CENTS, IT
BEING IN FULL OF OUR INTEREST IN THE PROCEEDS OF THE SALE AND
RENT OF THE LANDS OF WHICH ELIJAH BUTLER DIED POSSED
MARCH 3, 1888

J. H. Butler

J. C. Butler

Eugene C. Butler
By W. S. Holland

W. S. Holland assignee of
E. L. Butler

This assignment is by
deed duly recorded
in Clerk's office of
Tol. of Wright

Witnesses to M. J. Conroy
and Solomon Conroy
James H. Butler

Mary J. Carr
Solomon Carr her husband

A. J. Conroy & Co. J. P. Conroy

Butler

vs

Butler

W. S. Hall and

Report of

Distribution

April term 1888

Confirmed by Court.

TO THE HON. C. W. HILL JUDGE

OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

THE UNDERSIGNED YOUR COMMISSIONER, RESPECTFULLY RE-

PORTS THAT HE HAS COLLECTED THE BONDS PURSUANT TO THE DECREE HBRE-
IN ENTERED AT THE APRIL TERM 1837 OF THIS COURT, AND HAS PAID THE
PROCEEDS THEREOF OUT IN OBEDIENCE TO SAID DECREE AS WILL FULLY
APPEAR BY VOUCHERS HEREWTH FILED FROM EACH OF THE PARTIES AND A STATE-
MENT OF THE AMOUNTS BY YOUR COMMISSIONER. AND UPON RECEIPT
OF THE AMOUNTS OF SAID BONDS YOUR COMMISSIONER MADE TO SAID Z. T.
HOLLAND A DEED FOR THE LANDS AS DIRECTED BY SAID DECREE.

RESPECTFULLY SUBMITTED,

W. S. Nelson
Spc Com.

Butler et al
vs $\frac{2}{3}$
Butler L. et al.

This cause on this day to be heard on the bill of complaint taken for possession as to the infant defendants, the answer of the ^{ad litem} ~~respondent~~ defendant by A. P. Young his guardian ad litem and exhibits filed and was argued by counsel on consideration whereof the court doth order and judge and decree that J. F. Eley, E. Bowles, James W. Johnson, J. H. Harrison and Dr. Levin Bowles who are here, and they are hereby appointed Commissioners for the purposes hereafter named, any three of whom may act, being first duly sworn, do proceed to lay off by metes and bounds one equal third of land of which ~~was~~ ^{was} Elijah Butler died seized and possessed in the bill and proceedings mentioned and described to Louisa Butler widow of said Elijah Butler as and for her dower, having reference to quantity and quality and report to court; and further to ascertain whether the ^{said} lands can be divided in

find and if not capable of being so divided, then to state whether the interests of the parties will be promoted by a sale of said land, and if so to state their reasons for this opinion and report to court - also to report to court the fair market value of said land - And said Commissioners are required to make report of all their proceedings to court.

Butler et al

vs

Butler L. et al

Deceit

20 Oct. 1886

To be entered -

Grant Blows.



Entered in. 1st.

J. H. Butler et. al.

vs $\frac{1}{3}$ In chancery

Louisa Butler et. al.

This cause came on this day to be again heard on the reports formerly read and on the reports of Commissioners J. F. Ely, J. H. Harrison and James W. Johnson to which report no exceptions have been filed and was argued by counsel on consideration whereof the Court doth order and judge and decree that said report be, and the same is hereby notified and confirmed, that Louisa Butler the widow of Elijah Butler deceased take, have and hold for her natural life the following portion of the real estate of which said Elijah Butler died seized and possessed, "commencing at a red oak at Jesse Suck's fence, south along a line of chopped trees and the old path by the East end of the dwelling house, to a stub, which said stub is 132 yards from the said dwelling house; thence in a westerly direction to the branch at the line of Capt. W. E. Barnes dead; at a marked tree; thence up the said branch at said tree along the line of the lands of said W. E. Barnes to the lands of Jesse Suck, thence along the line between said Jesse Suck and said E. Butler

decedent to the starting point - this boundary
takes in the dwelling house, kitchen, garden
house and crib, as and for her dower in
the lands of her said husband and recom-
mended in said Commissioner's report; and
the court doth further order, adjudge and
decree that the lands of which said
E. Butler died seized and possessed, subject
to the widow as dower as aforesaid, be
sold - that W.S. Holland who is duly
appointed a special Commissioner for that
purpose sell the real estate aforesaid
subject to the widow as dower as aforesaid
said having first given notice by printed
hand bills for thirty days before the court
house door of the county ~~at~~ ^{on} ~~the~~
court day on the following terms: each sufficient
to pay cost of suit and expenses of sale in-
cluding a fee to W.S. Holland Counsel for
this court in addition to the statutory fee
of \$ 30.00 - the rest in two equal
payments of six and twelve months - the
purchaser to give his bond and security for
the deferred payments - title retained till
purchase money all paid and till further or-
der of this court, but said W.S. Holland
shall not discharge ^{any of} his duties under this
decree till he shall execute before the

Clerk of this Court a bond, ^{with good security} in the penalty
of \$ 350. conditioned for the faithful
performance of his duties under this and
all subsequent decrees in this cause -
that said W. S. Holland who report to Court

J. H. Butler et al
vs G. M. Cherry
L. Butler et al

21 April 1886

To be entered

Geo. B. Low.

Entered No. 31

Circuit Court of Idaho
High County, the 20th day of
October 1885 -

James A. Butler, Mary J. Carr, and Solo.
Carr her husband et al. Plffs:

vs: $\frac{3}{4}$ In Chancery
L. Butler widow of Elijah Butler
and Judith A. Gysel et al. Defts.

This cause came on this
day to be heard on the bill of Com-
plaint taken for confessed as to the
adult defendants, the answer of the
infant defendant by A. P. Young,
his guardian ad litem and exhib-
its filed and reviewed by Counsel.
On consideration whereof the Court
with order, advice and decree that
J. F. Cole, C. H. Clark, James H. Johnson
J. H. Harrison and Dr. David Kault
be and they are hereby appointed
Commissioners for the purposes
hereinafter named, any three of
whom may act, being first duly
sworn, do proceed to lay off by metes
and bounds, one equal third of
land of which Elijah Butler
died, seized and possessed in

1833 Jan 20
20
1833 Jan 20
20
1833 Jan 20
20

lice and proceeding mentioned and
assigned to Louisa Butler widow
of said Elijah Butler as and for her
dower, having reference to quantity
and quality, and report to Court,
and further to ascertain whether
the said land can be divided
in kind and if not capable of
being so divided, then to state
whether the interests of the parties
will be promoted by a sale of said
land, and if so to state their reasons
for their opinion and report to Court
And to report to Court the fee simple
value of said land, and Commis-
sioners are required to make report
of all their proceedings to Court.

A copy,

Teste,

A. J. Young, Ck.

Bretter Gas. H. Etale
B. 3 Du Chic
Nutter L. m. d. m. r. v. g.

= Copy Decker
Ostr. Tenn 1885-

= Holland for
Transportation

Butler J. H. et. al.

vs

Butler L. et. al.

This cause came on this day to be again heard on the papers formerly read and on the report of sale of W. S. Holland Special Commissioner together with proper vouchers and was argued by counsel on consideration whereof the Court doth order, adjudge and decree that said report to which no exceptions were filed be confirmed and that said sale be notified and confirmed, and that one of the Commissioners of this Court take & refer to Court an account showing ^{there is any lien on any of the shares of} whether any of the parties entitled thereto, also to whom and in what proportions the proceeds of said bonds is payable

Butler J. H. et. al.

7th

Butler L. et. al.

21 October 1886

To be returned -

Geo. S. Snow
—

Entered

no. 33

In the Circuit Court of Sale of
Wright County, Octo: 21st, 1886.

Boutler J. H. et al.

Pltffs.

vs. } In Chancery.

Boutler L. et al.

This cause came on this day to be
again heard on the papers formerly
read, and on the report of sale of H. S.
Holland, Special Commissioner,
together with proper vouchers, and was
argued by Counsel. On consideration
whereof the Court doth order, adjudge
and decree that the said report to
which no exceptions were filed, be
confirmed, and that the said sale
be ratified and confirmed, and that
one of the Commissioners of this Court
take and report to Court an account
showing whether there is any lien on
any of the shares of any of the parties
entitled thereto - also to whom and in
what proportion the proceeds of said
lands is payable.

A Copy - Teste.

A. D. Young, cll

Butler J. N. Esq.
to. ³ In clay,
3

Butler A. Esq.

Copy drawn of
Octo. 1880.

Notice of 8th Dec 1880
to 1st Jan. 1881.

Drawn

Butler et. al.
vs {
Butler Lewis et. al.

This case came on this day to be again heard on the papers formerly read and on the report of N. P. Young Commissioner to which no exceptions were filed and was argued by counsel on consideration whereof the court doth order, ^{said report of N. P. Young} and do decree that the clerk of this court deliver to W. S. Hall and spec. Commr. the two bonds filed in the papers of this case, taking said Hall and spec. Commr. for the same, that said Hall and special Commissioner proceed to collect the said bonds and out of the proceeds pay the unpaid costs of this suit and pay the balance to the parties and in the proportions and shares as specified in said report of Commr. Young; and the court doth further order that upon the receipt of the amount of said bonds the said W. S. Hall and special Commr. make, execute and deliver to Z. J. Hall and a deed for the lands in the bill and proceed-

rings mentioned purchased by him at
 public auction of which Elijah Butler
 had died seized and possessed, sub-
 ject to the widow's dower assign-
 ed to her under a former decree
 in this cause, and that said Holland
 Special Court make report to Court.

43.93
507.51
2050
325.01
50

Butler v. des.
 100

Butler v. des

Apr. term, 1887

Dee -

- To be entered -
 C. M. H. C.

Entered

Nov. 18

BUTLER, J.H. ET. ALS.

VS.

BUTLER LOUISE, ET. ALS.

THIS CAUSE CAME ON THIS DAY TO BE AGAIN
HEARD ON THE PAPERS FORMERLY READ AND ON THE REPORT OF W.S. HOL-
LAND, SPE. COM.R., TO WHICH NO EXCEPTIONS HAVE BEEN FILED, AND WAS A
ARGUED BY COUNSEL; ON CONSIDERATION WHEREOF THE COURT DO TH
ADJUDGE, ORDER, AND DECREE THAT SAID REPORT BE CONFIRMED, IT APPEAR-
ING TO THE COURT BY PROPER VOUCHERS FILED WITH HIS SAID REPORT
THAT THE PROCEEDS OF THE BONDS COLLECTED HAVE BEEN PAID TO THE
PROPER PARTIES IN ACCORDANCE WITH A FORMER DECREE IN THIS CAUSE EN-
TERED, AND THAT THE DEED TO Z. T. HOLLAND MADE BY SAID W. S. HOLLAND
SPE. COM.R. BE, AND THE SAME IS HEREBY RATIFIED AND CONFIRMED;
AND IT APPEARING THAT THERE IS NOTHING FURTHER TO BE DONE IN THIS
CAUSE IT IS ORDERED TO BE DISMISSED FROM THE DOCKET.

BUTLER J. H. ET. ALS.

VS.

BUTLER LOUISE, ET. ALS.

APRIL TERM 1883.

TO BE ENTERED

C. White

Entered # 17.

11 Jan

Commissioner's Office,

Isle of Wight Courthouse, Dec. 8th 1886

To James S. Butler, Mary J. Carr & Solomon Carr
her husband, Joseph M. Butler, Elijah H. Butler, E. O.
Butler and M. K. Farrell

Plaintiffs,

And to Louisa Butler, widow of Elijah; Judith A.
Joyner ^{Joyner} Thomas, Wm. S. Holland admr. of Elijah
Butler decd; and Ella Farrell, the last an infant

Defendants:

You are Hereby Notified that I have fixed upon the 12th day of January
next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office,

aforesaid, the following accounts: An account showing to whom
and in what proportion the proceeds of the land,
in proceedings mentioned, is payable, and
whether there is any lien on any of the shares
of any of the parties entitled thereto.

Required to be taken by decree of Isle of Wight Circuit Court, rendered on the 21st day of
October, 1886, in a suit in chancery depending in the said court, in which you
are parties, Plaintiffs and Defendants, at which time and place you are required to attend.

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

A. P. Young Commissioner.

Butler, J. H. et al.
vs. } Const. Mice

Butler, J. H. et al.

To 17th Jan'y. 1886.
Holland, N.J.

Executed Jan'y 6th 1887.

A. B. Edwards Dep'ty. for

R. A. Edwards Jf.

I hereby acknowledge
- service of the within
notice.

1 Jan'y. 1887

W. S. Holland