

1902-001

Chancery Causes:

Isle of Wight County

J.

F. Ely vs R. H. Butler & al

F. Ely's admr vs R. H. Butler & al

other surnames. Vaughan,
Daughtrey, Daughtrey,

To George W. Daughtry, Administrator of J. F. Eley, Deceased.

Please take notice that we shall apply to Hon. Robert R. Prentiss, Judge of the Circuit Court, of Isle of Wight County, at his office in the town of Suffolk at 10-30 A.M. on Wednesday January 8th 1902 for a decree in the chancery cause of J.F.Eley revived in your name as plaintiff against the undersigned as defendants confirming the sale of the Robt. Butler land and making provision for a deed, and to revoke so much of a former decree which requires money to be placed in Vauhan & CO. ,s Bank and for other things.

Respectfully,

Mc F R Butler
Job G Butler
Other defendants by
W S. Hollum atty.

Executed this 4th day of January 1902 by delivering
a true copy hereof to Geo. W. Daughtry admin.
of J. F. Eley deceased.

W. J. Bradshaw
Court

To Geo. W. Daughtrey, Administrator of J. F. Eley, deceased,
M. L. Butler, widow of R. H. Butler, deceased, J. T. Butler, Jove
Butler and Samuel H. Edwards, guardian ad litem for R. H. Butler
and Hall Butler, infants under the age of twenty-one years:

Please take notice that on Saturday, the seventh day of December, nineteen hundred and one, at the office of Hon. Robert R. Prentiss, Judge of the Circuit Court of Isle of Wight County, we shall ask the Court to render a decree in vacation in the suit of J. H. Eley Vs R. H. Butler's administrator et als, reviving said suit and ordering and authorizing a sale of the farm of which R. H. Butler died seized and possessed, included in a deed of trust from Said Butler to one of the undersigned as trustee for the benefit of the other undersigned, and also for inquiries and accounts and for such other matters as may be by the said Judge in vacation deemed pertinent and proper.

Respectfully,

J. A. Vaughan, trustee.

James Vaughan, beneficiary.

by Wm. S. Hays, their atty.

*I hereby accept -
Service of above
notice.*

Dec 2nd 1901

Samuel H. Edwards

Guardian ad litem

Deputy
For Re. A. Edwards Esq.

To Geo. W. Daughtrey, Administrator of J. F. Eley, deceased, M. L. Butler, widow of R. H. Butler, deceased, J. T. Butler, Jove Butler and Samuel H. Edwards, guardian ad litem for R. H. Butler and Hall Butler, infants under the age of twenty-one years:

Please take notice that on Saturday, the seventh day of December, nineteen hundred and one, at the office of Hon. Robert R. Prentiss, Judge of the Circuit Court of Isle of Wight County, we shall ask the Court to render a decree in vacation ordering and authorizing a sale of the farm of which R. H. Butler died seized and possessed including in a deed of trust from said Butler to one of the undersigned as trustee for the benefit of the other ~~undersigned~~, and also for inquiries and accounts and for such other matters as may be by the said Judge in vacation deemed pertinent and proper

Respectfully,

J. A. Vaughan, trustee.

James Vaughan, beneficiary.

*Wm S. Hollins then
also.*

Executed in the City of
Portsmouth Va this 6th day of
December 1901 by delivering a
Copy hereof to J. T. Butler
in person, Wm. Smith sgtl-
of the said City of Portsmouth Va

This deed, made this 7th. day of November, 1896, between Robert Butler and M. F. R. Butler, his wife, of the first part, and James A. Vaughan, chosen trustee, of the second part-

W I T N E S S E T H: That the party of the first part doth grant unto the party of the second part all of their right, title and interest in that certain piece and parcel of land and tenements thereof situated in the County of Isle of Wight and State of Virginia, about one mile East of Carrsville, containing ninety six acres, more or less, and bounded as follows: on the North by the lands of J. D. Council and G. G. Pierce, on the East by the lands of R. D. Carson, and on the South by the S. & R. Railroad and the lands of G. W. Johnson, et als and on the East by the lands of estate of Wm. E. Barnes and J. W. Johnson.

I N T R U S T, to secure to James A. Vaughan in the payment of a certain note for five hundred and fifty dollars, dated November 7th. 1896 and signed by Robert Butler and M. F. R. Butler.

The conditions of this trust deed is as follows: If the within described and secured note of five hundred and fifty dollars be paid in full, with all interest, as demanded and required, then this deed is void, but in default of the payment as before mentioned, then the trustee, at the request of the beneficiary, shall after advertising the secured property, as the law directs, proceed to sell the above property to the highest bidder for cash and after paying all expenses of sale, commissions of trustee, taxes, advertising &c. then pay the secured note and interest in full. And balance, if any, to the parties of the first part, or their order. As witness our hands and seals this 7th. day of November 1896.

Robert ^{his} X Butler, (SEAL)
^{mark}
M. F. R. Butler, (SEAL)

State of Virginia, Isle of Wight County:

I, J. F. Eley, a Justice of the Peace in and for the County aforesaid, do certify that Robert Butler and M. F. R. Butler, his wife, whose names are signed to the above deed bearing date Novr. 7th. 1896, each personally appeared before me in my said County and acknowledged the same.

Given under my hand this 7th. day of Novr. 1896.

J. F. Eley, J.P.

In the Clerk's Office of the County Court of Isle of Wight County Nov.
9th. 1896, this deed was presented and with the certificate annexed,
admitted to record.

Teste, N. F. Young, Clerk.

By Saml. H. Edwards, Deputy.

A Copy, Teste,

N. F. Young

Clerk.

See p. 11

Robert Butler Wife

To

Jamies A. Vaughan Master

At Copy

J.F.Eley, s Admr. et als.

vs

M.F.R.Butler and others,

This cause came on this day to be again heard on the papers formerly read, on the report of J.A.Vaughan trustee, filed this day by leave of court showing that the lien debt secured by the deed of trust to himself has been paid and all costs, on the report of M.F.R.Butler made pursuant to a decree herein of January 8th 1902 and filed this day by leave of court, and was argued by counsel:

On consideration whereof the court doth adjudge, order, and decree that the said reports of J.A.Vaughan trustee and M.F.R. Butler, which appaer to be supported by proper vouchers, be, and they are, hereby ratified, approved and confirmed respectively; and nothing further appearing to be done it ordered that this suit be

~~be dismissed, and that it be stricken~~ from the docket, *with leave*

to any creditor of Robert Butler, deceased to have the same re-instated on motion within twelve months from this date.

J.F.Eley, s Admr. et als.

VS

M.F.R.Butler et als.

#####

Decree

Oct 27th 1902

To be entered.

Robert R. Hunt

C.C.B. No. 6, page 275.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY COME IN VACATION THIS
31st ~~IN~~ ^{*January*} DAY OF ~~FEBRUARY~~, 1902.

J. F. Eley's Administrator,

VS

R. H. Butler et als.

This cause came on to be heard this day, by consent of parties, and on reasonable notice to the guardian ad litem, on the papers formerly read, and was argued by Counsel.

On consideration whereof, it appearing ^{*from the statements of counsel,*} to the court, that the debt in the bill mentioned, and the cost of this suit to date, have been paid to the plaintiff; and on motion of the complainant, the court doth adjudge, order and decree that this suit be dismissed as to all the parties, except the widow and heirs at law of Robert Butler, deceased, and for all ^{*purposes except the*} protection of the interest of the only infant defendant.

Robert H. Butler

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

J. F. Eley's Admr.,
vs
R. H. Butler et als.

DECREE

We consent to this decree.

*W. S. Hall and for
the defendants.*

*Frank J. Story
Attorney for Defendants.*

*Entered July 31, 1902
W. S. Hall*

*Received and Entered of record
February 1st 1902*

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY THIS 8TH DAY OF JANUARY 1902.

Geo. W. Daughtry, Adm., of J. F. Eley deceased,

vs

R. H. Butler et. als.

This casue come on this day to be again heard on the papers formerly read, and on the answers of R. H. Butler, Job. L. Butler, Jethro T. Butler and M. F. R. Butler, filed this day by leave of Court with general replication thereto, and on the report of the sale of land in the bill and proceeds mentioned by James A. Vaughan, Trustee, filed this day by leave of Court, and on notice by the defemdants to the complainant of their purpose to apply for this decree, and was argured by counsel:

On consideration whereof, and on motion of M. F. R. Butler, J. T. Butler, Job. L. Butler, and R. H. Butler and for reason appearing to the Court, the Court doth adjudge, order and decree that so much of the decree entered in this cause on the 7th day of December, 1901, which requires the proceeds of the sale of the land in the bill and proceedings^{mentioned} to be deposited in the Bank of Vaughan & Co., of Franklin, Va., be and the same is, hereby revoked and annulled; and the Court doth further ajudge, order and decree that the sale of the land in the bill and proceedings mentioned, made by James A. Vaughan, Trustee, on the 23d day of December 1901, to M. F. R. Butler, widow of Robert Butler deceased, be, and the same is, hereby confirmed and that the said purchaser shall immediately pay to the said Trustee a sum sufficient to pay the costs of the said sale and the note or bond secured by the deed of trust as alleged in the bill, and shall also give bond before the Clerk of the Circuit Court of Isle of Wight County in^{The} penalty of \$2000, with surety by the said Clerk deemed suffcient, and conditioned that she will pay, when so ordered by this court, the costs of this suit; the lien debts against R. H. Butler in the bill mentioned, together with any lien or liens against R. H. Butler which this court in this cause may order to be paid out of the proceeds of the sale of the land as aforesaid, and shall pay to the infant defendant or his guardian, his share in the proceeds of the sale of

with legal interest thereon from December 23d. 1901,
said tract of land, when ordered by the Court, then the said trustee shall accept the receipt or receipts of R. H. Butler, J. T. Butler, Job. L. Butler and M. F. R. Butler or their assignee for their share in the proceeds of the sale of the said land as a part of the purchase price thereof, and shall make to the said purchaser, M. F. R. Butler a good and sufficient deed with special warranty for the land in the bill and proceedings mentioned, and shall make report to the Court of his doings hereunder.

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

Robert R. Huntis

In the Clerk's Office of the Circuit Court of Isle of Wight County January 9th. 1902, the foregoing vacation decree was received and entered of record.

Teste, *A. J. Young* C.C.

Enter Jan. 8 1902
Robert R. Huntis.

Order Book No. 6, pge 255

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, THIS 7TH DAY
of December 1901.

J. F. Eley

vs

R. H. Butler, s Admr. et als.

This cause came on this day to be heard on the bill taken for confessed as to the adult defendants on whom process has been duly served, on the answer of the guardian ad litem filed this day by leave of court with general replication thereto, and on notice by the defendants James A. Vaughan trustee and James Vaughan to the other parties in interest of their purpose to apply for this decree, and was argued by counsel:

On consideration whereof, it appearing to the court, that the complainant J. F. Eley after this cause had duly matured at Rules departed this life intestate, and on motion of George W. Daughtry administrator of the said J. F. Eley, the court doth adjudge, order, and decree that this suit be revived in the name of the said Geo. W. Daughtry administrator of J. F. Eley administrator of said J. F. Eley deceased, and it proceed to a final decree.

And on motion of James A. Vaughan trustee and James Vaughan beneficiary in the deed of trust with the bill filed, the court doth further adjudge, order and decree that the said trustee be allowed to sell the land in the said deed of trust included in the manner and on the terms in the said deed of trust mentioned, and that out of the proceeds of the sale, the said trustee may pay the costs of the sale as provided in the said deed of trust and pay also the debt therein mentioned with all accrued interest, and the said trustee is ordered to ^{deposit} ~~pay~~ the rest of the purchase price in his hands, if any, in the bank of Vaughan & Co. of Franklin, Virginia, and take a certificate therefor and file the same with his report of the said sale in the books in this Court.

It is further adjudged ordered and decreed that this cause be referred to one of the Commissioners of this Court, who is directed

to ascertain and report to Court the
liens upon the interest of R. H. Butler in
the land referred to in these proceedings
together with their priorities, and together
with any other matter specially stated,
deemed pertinent by the Commissioner
or required by any party interested.

Robert R. Dentis

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

In the clerk's office of the circuit court of Isle of Wight County,
December 15th 1901. This vacation decree was received and
Entered of record.

Teste N. J. Hanna c.o.

J. H. Eley's Adm.

vs.

Butler et al.

Decree

Clerk in court of Isle

of Wight will enter

this decree

Entered Dec 17, 1901
Robert R. Dentis

Order Book No. 6, page 254.

J. F. Eley's Administrator et als

Vs

M. F. R. Butler, R. H. Butler, J. A. Vaughan trustee et als,

To the Honorable Robt. R. Prentis, Judge of the Circuit Court of Isle of Wight County.

The undersigned widow and children of Robt. Butler deceased, hereby declare that J. A. Vaughan trustee, and Wm. S. Holland, attorney, have satisfactorily arranged all matters with us concerning the sale of the land in the bill and proceedings mentioned and we hereby jointly and severally acknowledge the receipt of our shares in the proceeds in the sale of the land in full, and wish to release said trustee and said attorney from all obligations by reason of the collection and disbursement of the said money. We say that each of the said children is over the age of twenty-one years.

Very respectfully,

M. F. R. Butler

J. G. Butler

J. T. Butler ~~(initials)~~

J. H. Butler

R. H. Butler

Witness

Jas. T. Johnson,

J.F.Eley, s Admr. et als.

vs

M.F.R.Butler and others.

The undersigned, begs to report, that pursuant to a decree herein of the 8th day of January 1902 she has paid all the lien debts, a debt due the plaintiff and one judgment against her son R. H. Butler, and the bond due by her husband to James Vaughan, it being the debt secured under the deed of trust under which the trustee James ^A Vaughan sold the land, as will appear by vouchers herewith filed, that she has paid the costs of suit and sale, and that she has paid all her children, the heirs at law of her husband the said Robert Butler deceased, that the infant defendant her son, J.H. Butler has arrived at his majority and has been paid as will appear by a receipt herewith filed, and your defendant says that she has paid ~~all~~ other debts against her said husband, in fact she has paid every debt he owed at the time of his death.

Respectfully Submitted,

witness J.F. Butler

M. F. R. Butler

J F Eley's adm it als

u.

M F R. Butler
et als.

Report of M F
R Butler filed
Oct. 27th
1902 by
Levee of Cant.

J.F.Eley, s Admr. et als.

vs.

M.F.R. Butler et als.

The undersigned trustee, begs to report that he has made a deed to M.F.R. Butler the purchaser of the tract of land sold by him, that she has paid the bond due his father James Vaughan and secured by a deed of trust, and he files the said bond herewith cancelled; and he says the costs of sale have been paid as will appear by vouchers herewith filed, as directed by a decree herein entered on the 8th day of January 1902.

Respectfully Submitted,

J. A. Vaughan Trustee
by W. S. Hallow his atty.

J F Eliza Allen.

ms

M F R Butler et al

Report of J. A.
Vang Lien Lister
files

Oct. 27th 1902
by leave of aut.

LAW OFFICE
OF
W. S. HOLLAND.

COURTS--ISLE OF WIGHT, NANSEMOND AND
SOUTHAMPTON.

WINDSOR STATION, VA., Jan. 29, 1902.

Hon. Robert R. Prentis,
Suffolk, Va.

Dear Sir:

I write this letter and send it to Messrs. Parker & Story, who will send it to you with a letter by them.

As shown by the face of the bill^{*} of the orders entered, this suit was brought to enforce the lien debts against R. H. Butler, one of the defendants.

I have examined the records myself, and have had Mr. Young to do the same thing, and I have paid every lien found against said Butler.

There are reasons why the suit should be dismissed. There is only one infant defendant, and he will be twenty one years old in August next.

The widow of R. H. Butler was the purchaser of the property, and has given a bond, conditioned to pay the said infant his share of the money.

According to the terms of the decree, the land and the Butler family will remain in court for the purpose of protecting the interest of that infant. All other parties are adults and consent to the decree.

Yours very truly,
W. S. Holland

E.L.W..

\$ 550⁰⁰

On demand *us*

promise to pay unto

James

his Heirs, Executors, Administrators or Assigns,

the just and full sum of *five hundred & fifty* DOLLARS and *—* CENTS,

current money of the United States, for value received, with interest from date; for the payment of which

us bind *our* Heirs, Executors and Administrators firmly by these presents;

and *us* hereby waive the benefit of *our* Homestead Exemption as to this debt, obligation or contract.

As witness *our* hands and seals this *7th* day of *Nov*, in the

year of our Lord one thousand eight hundred and ninety *six*

secured by deed of trust on ninth & 1/2 acrs of land & improvements - then dated even date with this note

WITNESS

Robert J. Butler [SEAL.]

M. F. R. Butler [SEAL.]

A. H. H. H.

Said note 23-1897 1896-97



Franklin, Va., Jan. 18, 1904

Mr Jas. A. Vaughan, Treas.

To FRANKLIN JOB PRINTING CO., Dr.

W. A. MAGEE, Manager.

—BOOKLETS, PAMPHLETS AND ALL—

© Job Printing Neatly and Promptly Executed. ©

Dec 20 To Pub. land sale
for Rob't Butler farm,
1 issue, 4 1/2 inches,

3 00

Received payment,
W. A. Magee,
mgt

ESTABLISHED 1873.

SUFFOLK, VA.,

Nov. 9, 1901

Mr. W. D. Holland Atty. Gen. Commissioner,

TO SUFFOLK HERALD, DR.
NEWSPAPER AND JOB PRINTING ESTABLISHMENT.

No. 9 WASHINGTON SQUARE.

TERMS OF THIS BILL, NET CASH.

150	Dodgers. Sale of C. W. Baker Place	100
	Paid Nov. 23-01.	
	Postage	07
	J. A. Bennett mgr.	

107

\$ 30.00

X

Payable

23 1899

for 6/10

for 6/10

Suffolk, Va., Mar, 24th 1899

days after date \$ promise to pay unto

, or order, negotiable and payable,

without offset, at the ~~FARMERS~~ BANK OF NANSEMOND ~~Suffolk, Virginia,~~

Dollars,

for value received; and it is agreed upon by the parties that the interest on this Note shall be payable in advance; and we, principal

this debt.



139

R. H. Butler

W. A. Andrews

all

R. H. Butler

County of Isle of Wight, to-wit:

To W. J. Bradshaw Const of said county

I hereby command, you in the name of the Commonwealth of Virginia, to summon

R H Butler, if to be found in your district, to appear at Windsor

in said county on the 23th day of Dec 1901, at 10 o'clock A. M., before me,

or such other Justice of the said county as may then be there to try this warrant, to answer the complaint of W H Andrews

upon a claim for money for the sum of Thirty dollars due by

Note

And then and there make return of this warrant.

Given under my hand this 18th day of Dec, 1901

W H Andrews

A. Lee Saunders J. P.

vs.

R H. Butler

In debt,

23rd day of December 1901

Judgment, that the plaintiff recover of the defendant Thirty dollars with interest from the 23rd day of May 1899 1901, till paid, and one

65/100 dollars for his cost. Herein stated above.

A. Lee Saunders J. P.

of, to-wit:

To of said

I COMMAND YOU, In the name of the Commonwealth of Virginia, that of the goods and chattels of in your district, you

cause to be made the sum of Dollars,

with interest thereon from the day of 190, till

paid, which recovered before me

in a warrant in debt, and also the sum of Dollars,

which were adjudged to the said 100

for costs in prosecuting said warrant, and

make return of this writ within sixty days.

Given under my hand this day of 190

J. P.

COSTS.

Justice,

Constable,

Clerk,

Witnesses,

\$

W.S. Hall and assignee

W.H. Andrews

vs. }

JUSTICE'S CIVIL WARRANT,
JUDGMENT
AND EXECUTION.

R.H. Butler

entered this 12th
day of Decr 1901
By delivering a
true copy of this
warrant named
Defendant

R.H. Butler on 2nd
his mother at his
Residence on 2nd
of Wright County
W.J. Brackley
Clerk

Paid in full principal
- pol. int. & costs
Dec. 3, 1901 to
me for W.H. Andrews
as by him requested
and agreed.

30.00
41.65
1.65
45

36.75

LAW OFFICE
OF
W. S. HOLLAND.

COURTS—Isle of Wight, Nansemond and
Southampton.

WINDSOR STATION, VA.,

Dear Mr. Young

I have to render an a/c. to the Butlers
and will thank you to sign it and return the
receipt below

Yours very truly
W. S. Holland

Wm. S. Holland Atto—for M. F. R. Butler et als.

To N. F. Young, Clerk.

1901

Dec. 31.	To Recording a deed of trust from M. F. R. Butler and others to J. P. Holland trustee	\$4.75
	To examination of title and for judgments etc.	2.00
Paid Dec. 31st 1901 by Wm. S. Holland.		

Teste N. F. Young & Co

Received of Wm.S.Holland fifty one dollars and eighty cents \$51.80

by check and receipt in full payment of my judgment against J.T.

Butler, I mean principal and interest .

Dec 31st 1901

J. L. Freeman

Am't of Bond \$550.00 given
Nov. 7th 1896 - Paid Nov. 1st 1899
\$16.50 - am't due on above
Bond Jan. 1st 1902 - \$703.45

Am't of Bond	\$550.00
Interest on same	169.95
Am't	<u>\$719.95</u>
Left payment	16.50
Due Jan 1 st 1902 -	<u>\$703.45</u>

J.C. PARKER, E.F. STORY,
FRANKLIN, VA. COURTLAND, VA.
PARKER & STORY,
ATTORNEYS AT LAW,
COURTLAND, VIRGINIA.

January 19 18th 1902.

Mr. Wm. S. Holland,
Windsor, Va.

Dear Sir:-

I have just received the enclosed papers from the Clerk
of Isle of Wight, from them you will see the amounts due as follow:-

Judgment J. F. Eley - vs - R. H. Butler,

Principal.....\$73.80.

Interest..... 10.53

Costs in Justice Court..... 1.00.....\$85.33

Judgment R. B. White & Co. vs R. H. Butler,

Principal.....\$ 7.99

Interest..... .83

Costs in Justice Court..... 1.65.....\$10.47

Amount of costs in Circuit Court.....\$27.84

TOTAL..... \$123.64:

You will please forward me your check here (Courtland) to
cover the full amount and I will settle the costs with the proper
parties, or if you desire you can deduct the costs and settle with
them yourself. Please return the abstracts of judgments and state-
ment of costs as I wish them for a memorandum in closing up the
matter.

Very truly yours,

E. F. Story

*Paid by check
no 2310 dated
Jan 29th 1902*

5 $\frac{00}{100}$ Recd of J. A. Vaughan
Trustee for Jas Vaughan
Five Dollars for selling
the property mentioned
in deed of trust, and
property known as
the Robt Butler farm,

Jas. A. Johnson
Clerk

January 30th 1902

Robert Ruelas
5 So Bend
#8000

For \$71.67 paid by check
by W. S. Hall and I
hereby assign this
bond to him with-
out recourse to me
Jan 31st / 1902

Chas. H. Barnes.

For value received, I promise to pay to Thos. H. Burns
the sum of fifty dollars (\$50⁰⁰) with interest from date; for
the payment of which I bind myself, my heirs, Executors
and administrators firmly by these presents; and I hereby waive
the benefit of my homestead exemption as to this debt and obligation.
Witness my hand and seal this 8th day of November, 1874.

Witness

Charlie Haightrey Robert ^{his} Butler
J. H. Butler
Married to J. H. Butler



The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

WE COMMAND YOU that you summon

*M. L. Butler, J. T. Butler,
Jore Butler, James Vaughan, James A. Vaughan
Lester R. N. Butler and Hall Butler, the last
named an infant under the age of twenty
one years, by Saml. N. Edwards his guardian
ad litem*

to appear at the Clerk's office of the *Exigent* Court of the *County* of *Isle of Wight*
at the rules to be held for the said Court, on the *Last* Monday in *April* 190*1*,
to answer a bill in chancery, exhibited against *them* in our said court for
by *J. F. Eley*

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at
the court-house, the *26th* day of *March* 190*1*, and in the 12*6*
year of the Commonwealth.

N. F. Young

Executed on the within named M^r. L.
Butler J. D. Butler Joke Butler Jas Vaughan
Jas A. Vaughan trustee and S. H.
Edwards Guard. all item each a true
copy of the summons. Mar 28th 1901
Ro A Edwards
Jff.

J. F. Cherry

SUBPOENA
IN
CHANCERY.

VS.

}

Butler et al

Parker & Strong p. 9

To First April Rules,
V. Court.

B3119

The Commonwealth of Virginia,

To the Sheriff of the ~~County of Isle of Wight~~ ^{County of Nansemond}, Greeting:

WE COMMAND YOU that you summon *M. L. Butler, J. D. Butler, John Butler, James Vaughan, James A. Vaughan, trustee, R. H. Butler and Hall Butler, the last named an infant under the age of twenty-one years, by Daniel H. Edwards, his guardian ad litem,*

to appear at the Clerk's office of the ~~Circuit~~ ^{County} Court of the ~~County of Isle of Wight~~ ^{County of Nansemond} at the rules to be held for the said Court, on the ~~Third~~ ^{Third} Monday in ~~April~~ ^{April} 1901, to answer a bill in chancery, exhibited against *them* in our said court ~~for~~ ^{by}

J. F. Eley

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the *26th* day of *March* 1901, and in the 12th year of the Commonwealth.

N. F. Young

Executed this 13 day of April
1901 by Attorney at Law City of the
within for and to R. H. Butler and person
R. H. Baker
Shuff

J. F. Eley

VS. {
SUBPOENA
IN
CHANCERY.

Butler et al

Parker et al p. 9

To Second Appeal Rules,

Decent Court.

B33119

The demurred and answer of M. F. R. Butler, J. T. Butler and Jobe L. Butler to a bill in chancery exhibited against themselves and others, in the Circuit Court of Isle of Wight County, by J. F. Eley, and lately revived in the name of George W. Daughtry, Adm., of the said J. F. Eley, who departed this life after filing the said bill.

These respondents or defendants say that the said bill of complaint is not sufficient in law.

These respondents reserving the benefit of all the just exception to the many errors and inaccuracies in the said bill, for answer thereto, or to so much thereof as they are advised as it is material for them to answer, answering they say:

That it is true that Robert Butler, the husband and father of these respondents died about six years ago siezed and possessed of a certain tract of land in the said bill inaccurately described. They know nothing of the judgment claimed to have rendered in favor of J. F. Eley against R. H. Butler. They neither admit nor deny it. They are advised it cannot be a lien on any property, or on any interest in any property belonging to them. They are advised that it was not proper for them to be joined in a suit with R. H. Butler to enforce the lien of any judgment against him. They insist that the said bill should be dismissed as to them. These respondents say there are no liens against them, or either of them, or any of them, and that there cannot be any just cause for the prosecution of any suit against them.

They say that the said Robert Butler left your respondents and one other child who is nearly twenty one years old. That he left no such a child as "Jove Butler" and they do not know who is alluded to when his name is mentioned in the said bill. These respondents say that all their interest in law and in equity in and to the said tract of land and in and to the proceeds arising from the sale of the said tract of land made to James A. Vaughan, Trustee, on the 23d day of December, 1901., and that the same is held in trust for the valuable consideration which thereby

veyed his interest in the said land, and in the proceeds arising from the sale of the said land by the said Trustee, thereby enabling his mother the said M. F. R. Butler, to comply with the terms of the sale made by the said Trustee on the 23d day of December, 1901, she having become the purchaser at said sale.

And this respondent denies all unlawful confederacy and combination, and denies any and all fraud, and having fully answered , he prays to be hence dismissed with his costs in this behalf expended, and he will ever pray.

Job G. Butler

M. F. B. Buttes
et. als.

Ads

J. H. Elie's Adver

Advertisement

Answer

The demurred and answer of R. H. Butler to a bill in chancery exhibited against himself and others in the Circuit Court of Isle of Wight County by J. F. Eley and lately revived in the name of George W. Daughtry, Administrator of the said J. F. Eley, who departed this life after filing the said bill.

And this defendant or respondent says the said bill is not sufficient in law.

This respondent reserving to himself the benefit of all proper exception to the many errors and inaccuracies in the said bill contained, for answer thereto, or to so much thereof as he is advised as it is material for him to answer, answers and says:

That it is true that the said J. F. Eley recovered a judgment against himself, as alleged therein, which he is ready to pay, and which he has offered to pay, and is still willing and ready at any moment to pay, he admits that his father died seized of a certain tract of land inaccurately described in the said bill, and that there was a deed of trust on the said land made by the father of this respondent in his lifetime, to James A. Vaughan, Trustee, that about six years ago the said father departed this life intestated, leaving a widow whose name is M. F. R. Butler and not M. L. Butler as alleged in the said bill, and who left your respondent and three other children, namely: Jethro T. Butler, Job. L. Butler and -----Butler and not those in the said bill named.

This respondent denies the right of a said plaintiff to enforce the lien of the said judgment against anything except his share of interest in the said tract of land. He denies that the said judgment created any lien on the land in the said bill mentioned, except, perhaps, on his share or interest therein. This respondent says that there are no other liens against him, he says there was one other lien against him, but he has recently paid it off in full.

This respondent says that for a valuable consideration, he has con-

veyed his interest in the said land, and in the proceeds arising from the sale of the said land by the said Trustee and thereby enabling his mother the said M. F. R. Butler, to comply with the terms of the sale made by the said Trustee on the 23d day of December, 1901., she having become the purchaser at said sale.

And this respondent denies all unlawful confederacy and combination, and denies any and all fraud, and having fully answered, he prays to be hence dismissed with his costs in this behalf expended, and he will ever pray.

R. H. Butler

R. H. Butler

Ails

J. H. Eley's Querr

Answer

TO THE HONERABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT
FOR ISLE OF WIGHT COUNTY VIRGINIA:

Humbly complaining showeth unto your Honor your complainant, J. F. Eley, that on the 22^d day of August 1900....: in a Justice court for the County of Isle of Wight, he recovered a judgment against R. H. Butler for the sum of Seventy-three Dollars and eighty cents (\$73.80), with interest thereon from the 1st day of September 1899 till paid and One Dollar (\$1.00) costs, a copy of which judgment is herewith filed marked Exhibit "A" and prayed to be read as a part of this bill; that no part of the said judgment hath been paid; that said judgment was duly docketed on the 24th day of August 1900....: in the clerks office of the county court of Isle of Wight County. And your complainant further showeth unto your Honor that Robert Butler in his lifetime was seised and possessed of a certain tract or parcel of land lying situate in Windsor Magisterial District, in Isle of Wight County, adjoining the lands of J. D. Council, J. W. Johnson, G. W. Johnson, George Pierce, R. D. Carson and others; and containing ninety-five (95) acres, more or less; that the said Robert Butler in his said lifetime, together with his wife, executed a deed of trust on the said property to James A. Vaughan, Trustee, to secure James A. Vaughan the payment of the sum of Five Hundred and Fifty (\$550.00) Dollars, which your orator is informed is yet unpaid; that the said Robert Butler departed this life sometime during the year: intestate, leaving a widow, M. L. Butler, and the following children, namely, J. T. Butler, Jove Butler, the said R. H. Butler, and Hall Butler, the last named an infant under the age of twenty-one years, as his heirs at law. Your complainant avers and charges, that after taking in consideration the said deed of trust that the rents and profits accruing from the interest of the said R. H. Butler in the said land will not in five years satisfy your orators ~~a~~ judgment, and that he is entitled to enforce the lien of the same by a sale of the ~~said land~~ interest of the said R. H. Butler in the said land.

In tender consideration whereof and for-as-much as your complainant is without remedy save in a court of equity where matters of this kind are alone, and properly cognizable

he prays that the said R. H. Butler, J. T. Butler, Jove Butler,
Hall Butler, M. L. Butler, James Vaughan, and James A. Vaughan, ^{Drutle} may
be made parties defendant to this bill and required to answer same,
though answer under oath is hereby expressly waived, that proper
process issue, that a proper guardian ad litem be appointed to defend
the interest of the infant defendat, Hall Butler, in this suit, ^{That Saml. A. Edwards be appointed such guardian ad litem} that
all proper orders and decrees may be made and inquiries be directed,
that if it shall appear that the said rents and profits of the said
real estate will not in five years satisfy your complainant's judg-
ment that the said real estate may be sold and the proceeds thereof
be applied in satisfaction of your complainant's said judgment; that
if such rents and profits will so suffice the said land be rented
out and the rents and profits be applied to the said judgment until
the same is fully satisfied; and that all such other, further and
general relief may be given your complainant as the nature of his
case may require or to equity shall seem meet. And your complainant
will ever pray, etc.

Parker G. Story
.....p. q.

Bluff & J.
— 13. — Bill in Equity.
Butler & Co

Filed April 3^d 1901

Teste
N. Z. Young esq.

1st April rules 1901. Bill filed
sum. return executed as to all adult
defts: ~~1st~~ R. H. Butler, de nisi as to him, &
alias sum. vs. R. H. Butler returnable to 2^d April
rules, Saml A. Edwards applt. gen. ad litem.

2^d April rules 1901. Bill taken for
confessed as to all adult defts except
R. H. Butler, and set for hearing as to them
sum. return executed vs. R. H. Butler
de nisi as to him

1 May rules 1901. bill taken for confessed
as to R. H. Butler & case set for
hearing

Oct. term 1902. Trial Decree