

1931-002

Chancery Causes
Isle of Wight County

Johnson + Whitfield vs Algie H. Butler + al
Petition of A. S. Johnson + C. F. Whitfield

Folder 1
456

other surnames: Daughtrey, Parker
[Seaboard Air Line Railway Company]
[Camp Manufacturing Company], Camp,
Beale, Cutchin, Hays, Harcum,
Annas, Lankford, whitehead

C. H. Hays being duly sworn deposes and says as follows.

Q. Please state your name, age occupation and residence.

A. C. H. Hays, age 56 I live~~on~~ in Isle Of Wight County, near Franklin., and am a farmer by occupation.

Q. Are you familiar with the Algie H. Butler tract of land said to contain 116 acres located in Isle Of Wight County, and if so will you please state where it is is located and give a description of same.

A. I am not very familiar with the land as I have not seen it for about four years, however it is located in Isle Of Wight County, on black water about a mile or a mile and a half from Camps Mill., and it adjoins the lands of D. A. Holland and C. J. Cutchins.

Q. Can you state about what number of acres of this tract are open and what the condition of same is also what the condition of the buildings upon the tract are.

A. I cannot say as I have not seen it for so long.

Q. Are you in a position to state ~~what~~ what the annual and fee simple value of this property is.

A. No sir I do not know.

Q. Do you think that you could give a fair estimate of same basing your opinion on other sales and rentals in the community.

A. No I do not think that I could.

Excused from further questioning by the Commissioner.

Question by Atty for defence.

Q. Mr Hays about what distance is this property located from the Town of Franklin.

A. About two miles.

Q. Is it located upon either a state, ~~county~~ or other public highway.

A. It is not.

Q. About what distance is it located from a highway.

A. About a mile.

Q. Does it have a public way leading to it.

A. Nothing but an open public way after you leave the County road.

Q. Please state what other lands rent for similarly located to the farm in question.

A. I do not know.

Q. State if you can what is the rental value of lands located in Isle Of Wight within two miles of Franklin.

A. I do not know as I have never rented except for one half share.

And further this deponent saith not.

J. D. Johnson being duly sworn,deposes and says as follows.

Q. Please state your name,age residence and occupation.

A. J. D. Johnson,age 64 years,I live in Isle Of Wight County,near Franklin, Virginia and am a farmer by occupation.

Q. Are you familiar with the Algie H. Butler tract of land of 116 acres located in Isle Of Wight County and if so please state where it is located and describe it.

A. I know where it is located,it being on black water river about one and a half miles from Camps Mill but I am not very familiar with it, as I have never been upon it but once or twice,it adjoins the lands of C. J. Cuththing,Mrs Linwood Cutchings and D. A. Holland, according to my understanding.

Q. Do you know anything of the condition of the buildings and land at this time.

A. No sir I do not.

Q. How long since you have seen it.

A. It has been two or three years since I was there in the day time.

Q. Mr Johnson.,are you in a position to state what the annual and fee simple value of this property is inclusive of all buildings situate thereon.

A. No sir I am not.

Excused from further questioning by the Commissioner.

Question by Atty for defendant.

Q. How long have you lived in that community Mr Johnson.

A. About forty years.,I think.

Q. Defendant will excuse the witness,from further questions.

J. L. Harcum being duly sworn deposes and says as follows.

Q. Please state your name, age, occupation and residence.

A. J. L. Harcum, age 56, am Deputy Sheriff and farming, live near Franklin in Isle Of Wight County, Virginia.

Q. Please state if you are familiar with the property of which Algie H. Butler is seized and possessed in this County and if so where located it quantity and description.

A. I know of the property in as much as I have been upon it several times, however I do not know but so much about the place, I would say that possibly one half of the place is open land if the records are correct in listing it at 116 acres of land, it adjoins D. A. Holland, C. J. Cuthhins and others and is on black water about one mile from Camps mill in Isle Of Wight County.

Q. Mr Harcum please state what you would consider a fair annual and fee simple value for the tract of 116 acres listed in the name of Algie H. Butler.

A. I would think that the farm ought to rent for one hundred and fifty dollars and would possibly sell for two thousand dollars at a public sale.

Q. Mr Harcum the records in the Clerks office of this County show that there are judgments ~~of record~~ against A. H. Butler to the extent of Seven Hundred sixty two dollars with interest to be added, do you think that the rents and profits from the Butler property would satisfy these judgments within a period of five years.

A. No I do not believe it would.

Questions by Atty for the defendant.

Q. Mr Harcum you say that about one half of this farm is open land and under cultivation.

A. Yes, I think so from the acres stated from the records.

Q. Then that is approximately 58 acres open land, and under cultivation.

A. Yes that is as near as I can get at it.

Q. Mr Harcum what does other lands in that community of like quality and condition rent for., per acre.

A. From two and a half to five dollars per acre.

Q. Please state what those lands will produce in peanuts with reference to weight, per acre under present conditions.

A. I should think about 600 pounds per acre.,as a whole.

Q. What would it produce in pounds per acre in cotton.

A. Three hundred pounds.

Q. Dont you know that the land in its present condition would rent for from five to ten dollars per acre.

A. No,I do not know it.

Q. Dont you know that any land in that community of like quality and condition would rent for from five to ten dollars per acre.

A. No it will not.

Q. Mr Harcum have you any interest in any of these matters now under investigation.

A. No sir.

Q. Mr Harcum as an officer you do have some interest in some of these judgments as pertains to your cost do you not.

A. None that I know of.

Q. Mr Harcum what buildings are on the farm under investigation.

A. There is a dwelling house and four barns and ~~one~~ tennant house and all in bad condition.

Q. What would be a fair rental value for the dwelling and out buildings per year.

A. About five dollars per month,for all buildings on premises.

Q. Then adding the rental value of the buildings and the rental value of the land it would amount to two hundred and ten dollars per year,as I understand you.

A. No sir not according to my judgment it would not do it.

Q. You stated in a former answer to a question that lands in that community of like quality and condition would rent for from two and a half to five dollars per acre,did I understand you to mean that to include buildings which you now say are worth five dollars per month.

A.Yes sir.

Q.You stated that in your judgment the fee simple value of the farm was about two thousand dollars,does that include the lands and the byildings thereon.

A. Yes.

Q. What is the principle dwelling and the barns and out houses used immediately therewith worth.

A. I cannot answer the question.

Q. What are the tennant houses and out buildings used in connection therewith worth.

A. There are no out buildings to the tennant houses and I would not know what the tennant houses are worth.

Q. What is the 116 acres of land worth including the buildings therefrom.

A. I do not know.

And further this deponent saith not.

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1st

W. H. Fowler being duly sworn deposes and says as follows.

Q. Please state your name, age residence and occupation.

A. W. H. Fowler, age 63 years, live in Southampton County about 6 miles from A. H. Butlers and am a farmer by occupation.

Q. Are you acquainted with the Butler farm and if so how long have you known it.

A. Yes I have known it every since I was about ten years old.

Q. Have you recently been upon the farm.

A. Yes about three weeks ago.

Q. Have you been seeing the property very frequently for the past three or four years/.

A. Yes I have been seeing it off and on for the past forty years.

Q. From your knowledge of the soil, buildings, timbers and general condition and situation of the same ~~and buildings~~, what in your opinion is a fair annual and fee simple value for the same.

A. The place is worth three thousand dollars or more, and it would rent for two hundred and fifty dollars per year or more.

Questions by the Commissioner.

Q. Mr Fowler is this property as well situated so far as location as the average farm.

A. Yes.

Q. What do you consider would be the difference in the sale value of same if it was located out on the main County road.

A. It might be a little difference, it isn't far from the main County road.

~~_____~~

W. H. F. #2.

Q. How far ^{is} the County road from the nearest point of this farm to same.

A. Around about three hundred yards.

Further this deponent saith not.

A. H. Butler being re-called deposes and says as follows.

Q. Exhibit C., contains a statement showing the balance due of one hundred dollars, payable December 1st 1924, state if you paid that hundred dollars.

A. Yes sir.

Q. Did you have a receipt for it.

Q. Did you pay it December 1st 1924-

A. Yes sir.

Q. What has become of the receipt

A. It has become misplaced since we were here ten days ago.

Q. Have you made diligent search for it.

A. Yes sir-

Q. Have you been able to locate it yet.

A. No sir.

Q. Did that receipt represent payment of all accounts that you owed Johnson & Whitfield, including the account sued on in this action.

A. Yes sir.

Further this deponent saith not.

A. H. Butler being duly sworn deposes and says as follows.

Q. Please state your name, age occupation and residence.

A. Algie H. Butler, age 49, live in Isle Of Wight County near Franklin and am a farmer by occupation.

Q. You own the farm in question in this investigation.

A. Yes sir.

Q. How long have you owned it.

A. I think since 1918.

Q. What in your opinion is the cash value of said farm in fee simple.

A. I think not less than five thousand dollars.

Q. What is a fair reasonable rental value.

A. I should not say less than three hundred dollars.

Q. State how it is situated with reference to schools, roads and churches.

A. The nearest school is Franklin, about a mile and three quarters the nearest school in Isle Of Wight County is Carrsville, the main county road or that they call the main County road is about six hundred yards from the property, and the path that leads from the County road to my house is in good condition, the nearest church is Franklin.

Q. What is the usual average rental value of lands per acre, ~~whereby~~ situated in the community with this land of yours.

A. I think the average price is five dollars per acre.

Q. I notice that attached to the Notice Of Motion for judgment which Johnson & Whitfield has filed in the Clerks Office of this Court against your self what purports to be an itemized account, beginning April 22 1920, and ending June 26th 1923, during that time or to the present time did you have any other accounts charged to you by the plaintiffs.

A. No sir.

I hand you a paper writing pined to another state what they are.

A. H. B.

#2.

A. This is a receipt for guano I bought from him in 1920, (marked exhibit A1) & 2.

Q. I hand you a paper writing dated January 4th 1924., state what it is and for what it was given.

A. ~~I have received this account by wire transfer~~
This is a receipt from Johnson & Whitfield for one hundred dollars as part payment of account upon which they obtained a judgment upon. (Exhibit b).

Q. I hand you a paper writing, state from whom you got that and does that represent all of the account that you owed them at that date.

A. Yes sir. (Exhibit c)

Q. I hand you a paper writing dated April 23 1923, please state what it is.

A. It is a check given Johnson & Whitfield by me for a credit on my account., though Annie Sue Butlers name is signed (Ex-D). The defendant offers in evidence check dated January 4th 1924 signed by Annie Sue Butler as part payment of then existing debt due Johnson & Whitfield marked (exhibit E)- also the following papers and receipts marked exhibit _____, .

Further this deponent saith not.

_____.

Lester Annas being duly sworn deposes and says as follows.

Q. Please state your name, age residence and occupation.

Lester Annus, age 49, I live in Suffolk Virginia, and my occupation is real estate and lumber salesman.

Q. Mr Annus do you know the Algie H. Butler farm in Isle Of Wight County.

A. yes sir.

Q. What experience have you had with farm lands and their values.

A. I have bought and sold farm lands and raised on the farm.

Q. Have you an opinion satisfactory to your self as to what would be a fair and reasonable value for the Algie H. Butler in fee simple and also an annual rental value.

A. Yes I have an opinion and would feel perfectly safe to buy it at thirty five hundred dollars and think that the market value would be at least thirty five hundred in fee-since it is located near Franklin a thriving town., and taking into consideration the amount of timber on the same which is considerable I base my opinion, as well as buildings upon the same.

Q. What in your opinion would be a fair rental value for said farm per year.

A. Three hundred dollars would be cheap for it.

Questions by the Commissioner.

Q. How long have you known this property and how well do you know.

A. I have known it about two years, and have been upon it several times.

Q. Have you bought or sold any land in Isle Of Wight within the past three years.

A. No sir I have not.

Q. Where have you bought or sold any ~~other~~ land in any other section in the last three years.

A. Yes in North Carolina in the Piedmont Section.

Q. Mr Annus have you any interest in the outcome of this case.

A. Nothing more than as a friend of Mr Butler.

Further this deponent saith not. _____.

Jonathan Lankford being duly sworn deposes and says as follows.

Q. Please state your name, age residence and occupation and if you know the parties to this suit.

A. Jonathan Lankford, I live in Isle Of Wight County in Windsor District, am 74 years of age and am a farmer, I know the parties to the suit in question.

Q. Are you familiar with the land upon which Mr Algie Butler resides

A. I have been knowing it all my life., and have lived near it all of my life.

Q. What in your opinion is a fair fee simple value for this land.

A. People might have different opinions, however I think it ought to sell for two thousand dollars.

Q. What in your opinion is a fair rental value for it.

A. I think it ought to rent for one hundred and fifty dollars.

Q. What in your opinion is the open acreage of this land.

A. I do not know but would think ~~around~~ ^{between} sixty or seventy acres .

Q., Is this land conveniently located so far as roads, schools, churches etc.,

A. It is not so conveniently located but it has a good way to get out, but no so very convenient for schools .

Q. Cross Examination by Attorney for defendant.

Q. About what is the distance from the nearest school to this property.

A. The nearest school to the property is in Southampton County about one mile or a little beter, the nearest school in Isle Of Wight County is about five miles or at Carrsville., this property is all of a mile from the bus route that takes the children out to Carrsville.

Q. There is a good pass way from the house out to the bus route is there not.

A. Yes sir.

Q. You heard Mr Whitehead testify as to this land producing eight hundred pounds of peanuts per acre and six hundred pounds of cotten and three barrels of corn, is this about correct in your opinion.

A.

J. L. #2.

A. I think it would be about correct for a good year.

Q. State what in your opinion it would produce on an average from year to year per acre.

A., I think that Mr Whitehead about correctly estimated it as to what it would bring.

Q. And I understand you to mean that this farm of about sixty or seventy acres of land producing on an average about eight hundred pounds of peanuts and six hundred pounds of cotton, that a fair rental value would be only one hundred and fifty dollars.

A. I think so.

Q. You heard the average price of corn, cotton and peanuts testified too by Mr Whitehead, is that about correct.

A. I reckon so.

Q. From the figures on production of the crop ~~and~~ per acre, with the price as stated the farm would produce about two thousand dollars per ~~year~~ year, would it not.

A. I hardly think it would make two thousand dollars per ~~year~~ unless he heavily manured it.

Q. What are the lands in question worth per acre in fee simple .

A. Between eighteen and twenty ~~dollars~~ dollars per acre.

Further this deponent saith not.

W. T. Whitehead being duly sworn deposes and says as follows.

Q. Please state your name, age occupation and residence e., and whether or not you know the parties to this suit.

A. W. T. Whitehead, age 39, live Mansemond County and am a farmer and I know the parties to this suit.

Q. How far do you reside from Mr Algie Butler.

A. I live about three miles from him.

Q. Are you familiar with the land upon which he resides.

A. I have seen it, have been over a portion of it but have not been over the entire tract.

Q. What in your opinion is a fair fee simple value for this tract of land.

A. I do not know that I am capable of setting any valuations on any land but so far as what I would think, the land is worth about two thousand dollars, I would not say that it was worth any more.

Q. Is this land located on or near a public road.

A. I could not say if it is on a public road.

Q. Do you consider this land isolated or well located.

A. I would not consider it so well located, though it is near town.

Q. What in your opinion is a fair annual value for this tract of land.

A. I think a hundred dollars would be a fair annual value.

Examination by Attorney for defendant.

Q. How long have you known this particular farm.

A. 1913 was the first time I saw this farm.

Q. About how often since the year of 1913 have you been upon or seen this farm., until the present time.

A. I do not think that I have been upon the place over six or seven times including a time when I picked peanuts there about two or three years ago.

Q. Can you state ^{what} ~~if~~ the productive quality of the lands is of the various crops grown in that community

W.T.W. #2.

#2.

A. That is governed by the seasons and the method of cultivation to such an extent that I do not know that I could answer the question.,however I would say that so far as peanuts are concerned that about eight bags to the acre would be an average, and as to cotton while that would be lower on account of the soil not being so well adapted ~~to it~~, it might average six hundred pounds, and as to corn fifteen bushels would be about an average.

Q. Mr Whitehead what is the usual average price of cotton.

A. I think that it would average around six cents for the past three years.

Q. What is the usual average price of peanuts.

A. I would suppose four and one half cents.

Q. What is the usual average price of corn.

A. I reckon that it would average around ninety cents.

Q. How many acres of land are there in your opinion in cultivation on this farm.

A. I would suppose around forty acre it might be a little more or less.

Q. If it should be proven that there is between fifty and sixty acres of tilable land on this farm, do I understand you to say that its rental value would be only one hundred dollars.

A. I think that one hundred dollars would be fair for the man to live t at was renting or cultivating it.

Q. From the yield of cotton and peanuts as testified by you per acre and the market value thereof as given by you, amounts to thirty six dollars per acre, then do I understand you to mean that the farm in question with from fifty to sixty acres of open land would only be worth as a rental value ~~from~~ one hundred dollars per acre.

A. Yes if the man renting bears the other expenses.

Q. What does other lands in the community where this land is located and so situated, rent for per year.

A.

W. T. W. #3.

and of like quality-

A. I think that it would be the same as I stated for this land.

Q. About how far are these lands located from town and what town.

A. I suppose from the way they have to go that it would be about two and a half miles from Franklin.

Q. What in your opinion is a fair market value per acre of the lands in question in fee simple.

A. I would say ~~from~~ about twenty dollars per acre.

Q. Mr Whitehead as a matter of fact you are not so well acquainted with this farm in question are you.

A. Not so much so.

Q. In fact you have not thought about the rental value or the fee simple value before you came here.

A. No sir I had not given it any thought.

Q. You have made no investigation with reference to the rental or fee simple value of this land.

A. No sir I have not.

Q. Then the values that you have given are more or less guess work are they not.

A. They are in line with what I would be willing to take up with if I were on the market.

Q. I understand ~~then~~ both the rental and fee simple value as given by you are such values as you would be willing to give personally and not what the value would be on the open market.

A. I speak for my self if I were on the market.

Q. Do you know the market value of lands in this particular community of similar quality and location.

A. No I do not.

Further this deponent saith not.

STATE OF VIRGINIA.

COUNTY OF

Hammond City of Suffolk Va

AN AFFIDAVIT:

M L Vaughan of *Hammond* County

City *Suffolk* State of Virginia ;being first

duly sworn upon his oath, deposes and says;

Having been asked what I should do about
The Olga Butler Loan. will say I was
based on it and believe it to be a
fair average loan. and as to what
it would cost for per year will say
I believe \$300. Three hundred Dollars
would be a cheap reasonable Rent
per year to the best of my knowledge &
Belief

M L Vaughan

November 13th.1925.

County of

Hammond City of Suffolk Va

TO WIT.

I *Wesley W. Ford* Notary Public *City of Suffolk Va* do certify that

M L Vaughan whose name *is*

Signed to the foregoing writeing, bearing date on the *13th*
day of *November*, 1925.

Haveing acknowledged the same before me in my *City* aforesaid.

Given under my hand, *13th* day of *November* 1925

Wesley W. Ford
Notary Public.

My Commission expires *October 31st* 1929

Deed of trust originally held by C. J. Cutchins this day presented in Commissioners hearing as the property of Annie Sue Butler, it having been assigned to her by C. J. Cutchins on the 17th day of October 1924., without recourse.

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Affidavit of M. L. Vaughan as to rental value of the tract of land owned by A. H. Butler offered in evidence by the defendant and objected too by the attorney for the plaintiff.

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COMMISSIONERS NOTICE.

A.S. Johnson and C. F. Whitfield
partners, trading as Johnson and
Whitfield Plaintiffs

v) In Chancery

Algie Butler, E.L. Beale, Trustee,
W.H. Chapman, Trustee, Camp Mfg.Co.
and all other judgment lien creditors
of Algie Butler Defendants

TAKE NOTICE, That I shall at the office of the Clerk
of the Circuit Court of the County of Isle of Wight, on Monday,
October 26th, 1925, at 11 o'clock A.M. proceed to execute the
decree entered in the above entitled cause on the 24th day of
April, 1925, which said decree requires the following inquiries
to be taken and reported to Court.

1. The real property of which Algie Butler stands
seized, and the fee simple and annual value with the location
and description thereof.

2. The lien debts of the said Algie Butler, the
amounts thereof, and their order of priority.

3. The rents and profits arising from the land
of said Algie Butler and whether or not said rents and profits
will in five years pay the judgments which are lien upon the same.

4. Whether all the proper and necessary parties are
before the Court.

5. To inquire into such other matters as the
Commissioner may deem pertinent or by any party in interest may
deem pertinent, and state the same to the Court, and the said
Commissioner in Chancery shall report his findings to the Court.

Given under my hand as Commissioner in Chancery
of the Circuit Court of Isle of Wight County,

R. G. Edwards
Comm

Johnson & Whitfield

Alge Butler et al

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COMMISSIONERS NOTICE.

A.S. Johnson and C. P. Whitfield,
partners, trading as Johnson and Whitfield. Plaintiffs

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are before the Court.

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Commissioner may deem pertinent, or by any party in interest
may deem pertinent, and state the same to the Court, and the
said Commissioner in Chancery shall report his findings to
the Court.

Given under my hand as Commissioner in
Chancery of the Circuit Court of Isle of Wight County.

R. A. Edwards
Commissioner in Chancery

Executed this the County of Isle of Wight
on this 23 day of Oct. 1925, by delivering
true copies of the within notice
one on Algis Butler in person. one on ^{in person} Johnson. Camp
Vice President of Camp Mfg. & Co.

W. S. Chapman,
By: J. L. Harcum, D. S.

⁵
Johnson & Whitfield

vs. ~

Algis Butler et al

Original:

10/26/25

By request of atty
for plaintiff this
matin hearing is

Continued to Wed.

Nov. 4th 1925 @

11: a. m.

N. A. Edmister

Comm. in Charge

COMMISSIONER'S NOTICE.

A.S. Johnson and C. F. Whitfield
partners, trading as Johnson and
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deem pertinent, and state the same to the Court, and the said
Commissioner in Chancery shall report his findings to the Court.

Given under my hand as Commissioner in Chancery
of the Circuit Court of Isle of Wight County.

R. A. Evans

Comm.

Johnson & Whitfield

algiz Butler & al

I hereby accept
due & legal service
of the within notice

H. H. Chapman

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partners, trading as Johnson and
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deem pertinent, and state the same to the Court, and the said
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Given under my hand as Commissioner in Chancery
of the Circuit Court of Isle of Wight County.

R. M. Edwards
Comm. In Chancery

copy for
R. E. L. Watkins

I accept due and
legal service of his
excellency. Noble

R. E. Watkins
for John Ed
Whitford

COMMISSIONER'S NOTICE.

A.S. Johnson and C. F. Whitfield
partners, trading as Johnson and
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TAKEN NOTICE, That I shall at the office of the Clerk
of the Circuit Court of the County of Isle of Wight, on Monday,
October 26th, 1925, at 11 o'clock A.M. proceed to execute the
decree entered in the above entitled cause on the 24th day of
April, 1925, which said decree requires the following inquiries
to be taken and reported to Court.

1. The real property of which Algie Butler stands
seized, and the fee simple and annual value with the location
and description thereof.
2. The lien debts of the said Algie Butler, the
amounts thereof, and their order of priority.
3. The rents and profits arising from the land
of said Algie Butler and whether or not said rents and profits
will in five years pay the judgments which are lien upon the same.
4. Whether all the proper and necessary parties are
before the Court.
5. To inquire into such other matters as the
Commissioner may deem pertinent or by any party in interest may
deem pertinent, and state the same to the Court, and the said
Commissioner in Chancery shall report his findings to the Court.

Given under my hand as Commissioner in Chancery
of the Circuit Court of Isle of Wight County.

R. A. Eames
Eames.

E. L. Beale, Trustee

I hereby accept and legal service of the position of Trustee of the City of St. Louis, Mo. this 19th day of Oct. 1920.
E. L. Beale, Trustee

COUNTER CHECK

Ex. a-1

FRANKLIN, VA. May 15 1920

MERCHANTS AND FARMERS BANK

68-193
5

PAY TO THE
ORDER OF

Johnson & Whigfield \$ 122⁸⁶

One hundred twenty two & 86/100 DOLLARS

Archie Sue Butler

John & William

100
100

86

40

95

00

95

75

455

131

200

121

100

555

100

100

755

200

887

500

700

1500

400

24

455

500

66

A. S. JOHNSON

C. F. WHITFIELD

FRANKLIN, VA.

Apr 3

1920

M Algira Butler

Ex. a-2

Franklin Va

TO JOHNSON & WHITFIELD, DR.

DEALERS IN HAY, CORN, OATS, MIDLINGS, PEANUT MEAL AND FERTILIZERS
PEANUT BUYERS

Apr	4	70	20 Bags	4-9-0 Forty	56.50	44.30	
	8		5			28.20	
May	3	10		8-8-3		66.50	
July	17	3		58.00	50.00	15.00	
						121.05	
						1.81	122.86

Int. of 1. Apr 1

Paid by 15.20
John & Whitfield
Shenandoah

"Ex. B."

No. 114127 19

Received of Edwin Butler

One hundred 100 Dollars.

\$ 100.00

John H. Fairfield
By J. H. Fairfield

"Ex. C"

1/4/24

Algie Butler

Pay John & Whipple

\$100 ea. another

\$100 ea. when her

seller this 1923

of P/mth Bul of

Acct. Dec. 1-1924

with Int.

John & Whipple

by G. F. Whipple

A. H. Butler

FIRE
HAIL
RENTS
PROFITS
LEASEHOLD
LIGHTNING
TORNADO
WIND STORM
EXPLOSION
AUTOMOBILE
MOTORCYCLE
COMMISSIONS

ROCHESTER DEPARTMENT

GREAT AMERICAN
INSURANCE COMPANY
NEW YORK
INCORPORATED - 1872

MARINE
HULLS
CARGOES
WAR RISK
FLOATERS
INLAND MARINE
MAIL PACKAGE
TOURIST BAGGAGE
REGISTERED MAIL
SPRINKLER LEAKAGE
USE AND OCCUPANCY
INLAND TRANSPORTATION

ONE LIBERTY STREET, NEW YORK CITY

TELEPHONE MESSAGE

Date _____

ATTENTION OF

Mr. _____

You were called at _____ o'clock

By _____

Of _____

Telephone No. _____

Message was: _____



"E. D."

~~JOHNSON & WHITFIELD~~

~~FEED AND FERTILIZER~~

~~CASH PAYEE OF FERTILIZER AND FEED~~

No. _____

FRANKLIN, VA.

4/23

192 X

PAY TO THE
ORDER OF

Johnson & Whitfield

\$ 25 ⁹²/₁₀₀

Twenty five & 92/100

DOLLARS

FOR

TO VAUGHAN & COMPANY, BANKERS

68-192

FRANKLIN, VA.

68-192

JOHNSON & WHITFIELD

By

Archie Sue Butler

John Whitehead



01A9
+5+5+5+
001-00

"Ex. E"



68-192
5

Franklin Va. 4/4 1924 No.

Vaughan & Company, Bankers

Pay to the
order of

Johnson & Whipple \$ 100.00

One hundred Dollars

For

Archie Sue Butler

John C. Thompson

01A9
+5.24.1+
001-00

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF
WIGHT.

A.S. Johnson and C. F. Whitfield,
partners, trading as Johnson and
Whitfield

v) Chancery #456

Algie Butler, E.L. Beale, Trs.
W.H. Chapman, trs. Camp Mfg. Co.
and all other judgment lien
creditors of Algie Butler.

TO THE HONORABLE B. D. WHITE, JUDGE OF THE
CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

The undersigned, one of the Commissioners in
Chancery of the Circuit Court of the County of Isle of
Wight, State of Virginia, to whom has been referred the
papers in the above entitled cause for the execution
of a decree entered therein on the 24th., day of April,
1925, respectfully reports to the Court that after
having given notice to all parties in interest, as will
appear from the returns of the officers hereto attached,
proceeded to execute the said decree, however, upon the
motion of counsel for the defendant, Algie Butler, the
taking of evidence and the making of this report was
adjourned from the 26th., day of October, 1925, to the
4th., day of November, 1925, and after a partial
completion of same, was continued to Saturday, November
14th, 1925, at 10:30 o'clock A.M, on which dates, and in
the presence of counsel for the complainants, as well as
counsel for the principal defendant, took the evidence

of C. H. Hayes, J. D. Johnson, J.L. Harcum, W.H. Fowler, A. H. Butler, Lester Annas, Jonathan Lankford and W.T. Whitehead, which was reduced to writing and is attached hereto as a part of this report, that from the evidence taken and returned, and from the records filed in the Clerk's Office of this County, Your Commissioner, is informed and reports as follows:

Q-1. The real property of which Algie Butler stands seized, and the fee simple and annual values , with the location and description of same.

A-1. Your Commissioner is advised and herewith reports that from the evidence taken, as well as from the records in the Clerk's Office of the Circuit Court of Isle of Wight County, that A. H. Butler, is the fee simple owner of a tract of 116 acres, of land, located about one and one half miles from the Camp Mfg. Company's plant, in Windsor District, Isle of Wight County, Va., and adjoins the lands of D. A. Holland, C. J. Cutchin and others, and known as the Old Nelson Gardner Place, of which the late Henry Daughtery died seized and possessed, it being the same land conveyed to Algie Butler by John C. Parker, Special Commissioner, and others, by Special Warranty deed, dated March 14th, 1911, and of record in the Clerk's Office of Isle of Wight County, in D.B. 87, page 374, and from the evidence submitted before Your Commissioner, he is informed and reports the annual value of the aforesaid property to be from \$175.00 to \$200.00 per year, and the fee simple value of same to be from \$2500.00 to \$3000.00.

Q-2. The lien debts of the said Algie Butler, the amounts thereof and their order of priority of lien.

A-2. Your Commissioner begs leave to report that he finds of record in the Clerk's Office of Isle of Wight County, the following liens, and the same are stated herein according to their priorities:

First. Delinquent real estate taxes for the year 1920, amounting to \$42.73, interest and charges to be added.

Delinquent real estate taxes for year 1921, amounting to \$43.88, interest and charges to be added.

Delinquent real estate taxes for year 1922, amounting to \$45.89, interest and charges to be added.

Delinquent real estate taxes for year 1923, amounting to \$45.51, interest and charges to be added.

Delinquent real estate taxes for year 1924, amounting to \$46.88, interest and charges to be added.

Your Commissioner begs leave to further report that a deed of trust, made by Algie Butler and Annie Sue Butler, his wife, dated March 14th, 1918, and recorded March 15th, 1918, given to E.L. Beale, trustee to secure C.J. Dutchin the payment of the sum of \$1100.00, by bond, bearing even date with the deed of trust, payable on demand, and which conveyed in trust, the 116 acre tract herein mentioned, is still a lien of record, same being found of record in D.B. 38, page 64, in the Clerk's Office aforesaid. The bond secured by this deed of trust however is now the property

of Annie Sue Butler, the wife of Algie Butler, the same having been exhibited before Your Commissioner showing its proper assignment for value received and without recourse.

Your Commissioner begs leave to further report that Algie Butler and Annie Sue Butler, his wife, by their deed dated Nov. 29th. 1921, and recorded December 2nd, 1921, in Deed Book No. 92, page 27, in the Clerk's Office aforesaid, conveyed to W. H. Chapman, trustee, to secure A. S. Johnson, the sum of \$250.00, as evidenced by a negotiable promissory note of even date with said deed, the 160 acre tract of land, but it is thought that the figures were intended for 116 acres, that being the only real estate of which Algie Butler was possessed at the time of the making of said deed of trust, and as further proof is mentioned as the same land conveyed to Algie Butler from John C. Parker, Special Commissioner et als.

✓ Your Commissioner begs leave to further report that there is of record in the Clerk's Office aforesaid in Judgment Lien Docket # 4, page 179, a judgment in favor of Seaboard Air Line Railway Co. against Algie Butler for the sum of \$27.15, with interest from Dec. 12, 1921, till paid and 1.25 cost, which said judgment was recorded November 1st, 1923.

✓ Your Commissioner begs leave to further report that in the Clerk's Office aforesaid, in Judgment Lien Docket No. 5, page 2, there is a judgment in favor of Seaboard Air Line Railway Co. vs Algie Butler, for the principal sum of \$5.00, with interest from May 5th, 1924, till paid and cost amounting to \$8.80, which judgment was docketed May 20th, 1924.

✓ Your Commissioner begs leave to further report that in the Clerk's Office aforesaid, in Judgment Docket No. 5, page 2, there is found a judgment in favor of Seaboard Air Line Railway Co. against Algie Butler for the principal sum of \$5.00, interest from May 5th, 1924, till paid and \$11.65 cost, which said judgment was docketed May 20th, 1924.

✓ Your Commissioner begs leave to further report that in the Clerk's Office aforesaid, in Judgment Docket No. 5, page 11, there is found a judgment in favor of Johnson and Whitfield, of Franklin, Va, against Algie Butler for the sum of \$593.19, with interest from June 5th, 1923, till paid and 8.60 cost, which said judgment was docketed August 13th, 1924.

✓ Your Commissioner begs leave to further report that in the Clerk's Office aforesaid in Judgment Docket No. 5, page 22, there is found a judgment in favor of Franklin Coal and Ice Co, against Algie Butler for the sum of \$96.50 with interest from Jan 15, 1925, till paid and \$4.05 cost, which judgment was docketed Feb 13, 1925.

Q-3. The rents and profits arising from the land of the said Algie Butler, and whether or not such rents and profits will in five years pay the judgments which are liens upon the same.

A-3. Your Commissioner is informed and reports that if the property of Algie Butler can be rented for the sum of not less than \$175.00 per year, that the rents and profits arising therefrom over a period of five years will satisfy the judgments now of record and which are reported herein.

Q-4. Whether all the proper and necessary parties are before the Court.

A-4. Your Commissioner begs leave to report that he

is informed and herewith reports that all proper and necessary parties to this suit are properly before the Court.

Q-5. To inquire into such other matter as the Commissioner may deem pertinent and state same to Court and the said Commissioner in Chancery shall report the same to Court.

A-5. Your Commissioner begs leave to report, that counsel for the defendant, Algie Butler, produced before your commissioner certain papers, receipts, agreements, etc, purporting to show that the figures herein~~stated~~, which represents the amount of judgment of John and Whitfield against the said Algie Butler were not correct, and that certain credits were due thereon, however, in as much as the receipts, etc, which were exhibited did not bear a later date than the date that the judgment of Johnson & Whitfield was rendered, which was July 7, 1924, Your Commissioner believed and so advised counsel for the said Algie Butler, that the same could not be taken in consideration as an offset against said judgment, however, the said papers marked Exhibit A, 1 & 2, Exhibit B, Exhibit C, Exhibit D and Exhibit E, are herewith attached for the Courts consideration.

Your Commissioner wishes further to report that due to the fact ~~that~~ ^{that} objections raised by counsel ^{for} Algie Butler, ~~to~~ the evidence ~~as~~ which was taken, being quite numerous, to avoid recording the objection each and every time, the same were offered, it was agreed by counsel, both for the complainant and defendant, as well as Your Commissioner, that no advantage would be taken of the defendant, Algie Butler, due to the fact that ~~the~~

the particular objection was not injected into the testimony each and every time when made, but in lieu thereof the Commissioner agreed to report to Your Honor that Counsel for the defendant, Algie Butler objected generally to all such testimony as was offered in behalf of the plaintiffs, which said objections were by the Commissioner overruled.

Respectfully Submitted,

R. A. Edwards
Commissioner in Chancery

Commissioners
Fee

5
Johnson & Whitford

vs. Chancery #456

A. H. Butler et al.

Commissioner's Report.

Filed:

May 5 - 1926

R. A. Edwards
Clerk.

R. A. EDWARDS
COMMISSIONER IN CHANCERY
CIRCUIT COURT
ISLE OF WIGHT COUNTY
ISLE OF WIGHT, VIRGINIA

Commonwealth of Virginia,

Southampton Co.

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

WE COMMAND YOU, That you summon

W. L. Beale, Trustee

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules
to be holden for the said Court on the *first* Monday in *February*, 192*7*,
to answer a bill in chancery, exhibited against *him et al*
in our said Court by *Johnson & Whitfield*

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this *6*
day of *January*, 192*7*, and in the *179* year of the
Commonwealth.

R. A. Edwards Clerk.

By E. Ray Wills
D.C.

3
Johnson & Whitfield

vs. }

CHANCERY NO.

Algie Butler et al

ORIGINAL SUBPOENA

.....
*Virginia, Clerk's office of the Circuit
Court of the County of Isle of Wight.*

....., 19.....

Returned, entered and filed.

Teste:

.....Clerk

To First Monday Feb. Rules

1922

R. E. L. Watkins

p. q.

Executed in Southampton County Virginia this 13th. day of January
1925 by delivering a true copy hereof to the within named E. L. Beale
Trustee in person.

E. L. Beale

Sheriff of Southampton County Virginia.

B L Holt. Day Master.

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County — Greeting:

WE COMMAND YOU, That you summon *W. H. Chapman, Justice,*
Camp Mfg. Co.

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules
to be holden for the said Court on the *first* Monday in *February*, 192*5*,
to answer a bill in chancery, exhibited against *them et als*
in our said Court by

Johnson & Whitfield

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this *6*
day of *January*, 192*5*, and in the *149* year of the
Commonwealth.

R. A. Edwards Clerk.

By E. Ray Miles
D.S.

Johnson & W. H. Holt

25.

CHANCERY NO.

Alfred Bartholomew

ORIGINAL SUBPOENA

Virginia, Clerk's office of the Circuit
Court of the County of Isle of Wight.

Returned, entered and filed.

19

Teste:

Clerk

To *first* *from* *file*. Rules

1925

A. E. H. Shattuck p. 9.

Executed the within summons this the 14th, day of Jan, 1925. by
serving a true copy of the same on W. H. Chapman, Sheriff. in the
county of Isle of Wight.

By *W. L. Jones* D. S.

Executed the within summons this the 14th, day of Jan. 1925. by serving
a true copy of the same on B. L. Holt, Pay Master of the Camp Mfg. Co.
for the said Camp Mfg. Co. and explained to him the purport of same, he
being pay master of the aforesaid Camp Mfg. Co. in the county of
Isle of Wight,

W. H. Chapman, Sheriff.

By *W. L. Jones* D. S.

Due and legal service of the within summons acknowledged this
27th day of March, 1925.

CAMP MANUFACTURING COMPANY

By

Paul H. Jones
Sect.-Treas.

Due & legal Service of the within process is hereby
accepted.
W. H. Chapman, Trustee
Jan 14 1925

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—Greeting:

WE COMMAND YOU, That you summon Algie Butler.,

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the Fifth Monday in December, 1924, to answer a bill in chancery, exhibited against him. in our said Court by

A. S. Johnson and C. F. Whitfield, partners trading as Johnson And Whitfield.,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 16th day of December, 1924, and in the 149th year of the Commonwealth.

R. A. Edwards Clerk.

Executed in the County of Isle of Wight
on this 23 day of Dec, 1924,
Not finding Algie Butler at his usual
place of abode and his wife refusing
to take a copy of the within.
I attached a true copy of the within
on the front door of Algie Butlers house
By J. L. Havener D. J.
W. H. Chapman Sheriff

Johnson & Whitfield.,

vs. } CHANCERY NO.

Algie Butler.,

ORIGINAL SUBPOENA

Virginia, Clerk's office of the Circuit
Court of the County of Isle of Wight.

3d Dec. Term, 1925

Returned, entered and filed.

Teste:

R. A. Saunders Clerk

To Third December Rules

1924

p. q.

TO THE HONORABLE B.D. WHITE, JUDGE OF THE
CIRCUIT COURT OF ISLE OF WIGHT
COUNTY.

Your petitioners, Johnson & Whitfield respectfully represent unto the Court that in the year 1925, a suit was brought in the Circuit Court of Isle of Wight County, Virginia, by your petitioners against A.H. Butler, for the purpose of enforcing the lien of a judgement secured by your petitioners against A.H. Butler, and duly recorded in the judgement lien docket in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia; that the said suit progressed through its several stages, and on the 7th day of June 1927, a decree was entered by the Circuit Court aforesaid, appointing R.E.L. Watkins, Special Commissioner, to sell the property in the proceedings mentioned and described as lying, situate and being in Isle of Wight County, Virginia, containing 116 acres, and known as the "Nelson Gardner Tract" and being the same land of which Henry Daughtrey died seized; that on the 8th day of June 1927 a decree was entered in this cause appointing R.E.L. Watkins Special Commissioner to sell the real property in the proceedings mentioned and described; that on the 2nd day of July 1927, the said property was duly advertized and sold at public auction in the Town of Franklin, and that at the sale so held, C.F. Whitfield became the purchaser by bidding therefor the sum of \$2010.00; that the sale was reported by the Special Commissioner to the Circuit Court of Isle of Wight County, which said report and decree therewith has been lying in the Clerk's Office awaiting the approval of the Judge of the Circuit Court of Isle of Wight County, since the 2nd day of August 1927; that on the 9th day of July 1927, A.H. Butler filed a homestead deed in the Clerk's Office of the Circuit Court of Isle of Wight County, claiming equity of the value of \$7501.00 in the real estate aforesaid; that the said homestead deed was filed after the

property had been subjected by a decree of the Circuit Court of Isle of Wight County, and as your Petitioners are advised, could not be claimed as a homestead. Your Petitioners further represent unto the Court that their judgement was not a homestead waiver, and should the homestead deed be sustained, it would be a defeat of their interest in the said sale of the property aforesaid, and your petitioners pray therefore that the homestead deed be declared of no effect against your petitioners.

Your petitioners join in all the charges and allegations in the said bill, and pray to be made parties to the said suit, and your Petitioners will ever pray, etc.

JOHNSON & WHITEFIELD,

BY *[Signature]*

Wm. C. Colony

3
11

Johnson & Whitfield
vs PETITION.

A.H. Butler, et als.

Filed May 28 1928

TO THE HONORABLE B.D. WHITE, JUDGE OF THE CIRCUIT COURT
OF ISLE OF WIGHT COUNTY,
VIRGINIA:

" " " " " " " " " " " " " " " "

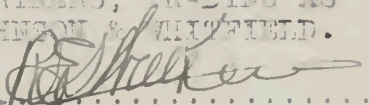
Your petitioners, A.S. Johnson & C.F. Whitfield, partners trading as Johnson & Whitfield, respectfully represent unto the Court that there is now pending in the Circuit Court of Isle of Wight County, Virginia, a certain suit in Chancery generally styled **JOHNSON & WHITFIELD vs A.H. BUTLER, E.L. BEALE, TRUSTEE, ET ALS**, the object of which suit is to enforce the lien of certain judgments against A.H. Butler; that the said cause has been referred to R.A. Edwards, one of the Commissioners in Chancery of the Circuit Court aforesaid, and that accounting has been taken of all judgments and liens of record against A.H. Butler; that among the liens reported by the Commissioner, is a bond held by Mrs. Annie Sue Butler, wife of A.H. Butler; that said bond is secured by a deed of trust on 116 acres of land, lying near Blackwater River in Isle of Wight County, known as the "Nelson Gardner" place; that the said bond is executed by A.H. Butler and Annie Sue Butler, wife of said A.H. Butler, and the Commissioner aforesaid reports this as a lien upon the land in the proceedings mentioned and described.

Your petitioners further represent unto the Court that on the ^{17th} day of ^{October} 1924 that C.J. Cutchin, who was the holder of the bond aforesaid, secured as aforesaid, assigned this bond to Annie Sue Butler, wife of A.H. Butler, who was also a joint maker with A.H. Butler, in the bond aforesaid, which said assignment was for the full value of the said bond, including interest, principal and cost, and your petitioners respectfully represent unto the Court that Annie Sue Butler, wife of A.H. Butler paid the debt of which she was a joint obligor, and that by said payment, the said debt became extinguished, and is extinguished, and your petitioners pray that an order may be entered declaring the debt secured by the deed of trust aforesaid, and now held by Annie Sue Butler as extinguished and paid, and that the trust deed

securing said debt be ordered by the Court, released, and that the proceeds from the sale of the land by the Special Commissioner, appointed in the cause of JOHNSON & WHITFIELD vs A.H. BUTLER AND E.L..BEALE, ET ALS, be distributed among the creditors of A.H. Butler, according to their priorities.

Your petitioners join in all the charges and allegations of the bill of the complainants, and pray that such general and special relief may be afforded your petitioners as the nature of their case may require, or to equity shall seem meet. And your petitioners will ever pray, etc.,

A.S. JOHNSON AND C.F. WHITFIELD
PARTNERS, TRADING AS
JOHNSON & WHITFIELD.

BY 

Johnson + Whitfield
vs Petition
A. H. Butler, Et al.

Recd. the 13 day of
Oct 1927.
R. A. Gamble ell

TO THE HONORABLE B.D. WHITE, JUDGE OF THE CIRCUIT
COURT OF ISLE OF WIGHT COUNTY:

Your Complainants, A.S. Johnson and C.F. Whitfield, partners trading as JOHNSON & WHITFIELD, respectfully represent unto the Court that on the 17th day of July 1924, they recovered a judgement against Algie Butler for the sum of FIVE HUNDRED AND NINETY-THREE DOLLARS AND NINETEEN CENTS (\$593.19) with interest from the 5th day of ~~July~~ 1923 until paid, and costs \$8.60, a copy of which is herewith filed marked Exhibit "A" and prayed to be read as a part of this bill; that no part of said judgement has ever been paid; that said judgement was duly docketed on the 7th day of July 1924 in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia; that the records of the Clerk's Office of the Circuit Court of Isle of Wight County show that the following judgements in favor of the following named parties have also been recovered against the said Algie Butler:

Seaboard Air Line Railway Company, December 12, 1921 judgement for cost, \$27.15, interest from December 12th, 1921, \$1.25 cost, judgement lien docket No. 4 p. 129; also Seaboard Air Line Railway Company against Algie Butler, May 5th, 1924, judgement for \$5.00 with interest from May 5th, 1924 till paid, and \$8.80 cost; judgement lien docket 5 page 2. Seaboard Air Line Railway Company against Algie Butler, May 5th, 1924, judgement for \$5.00 with interest from May 5th 1924 till paid, judgement lien docket No. 5 page 2. Camp Manufacturing Company against Algie Butler, May 29th, 1924, judgement for \$168.74 with interest from May 29th, 1924 till paid and cost, \$10.10 docket No. 5 p. 6, all of which said judgements are duly docketed in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, all of which said judgements are apparently unsatisfied. In addition to the same, the said Algie Butler hath executed, and there is recorded in the Clerk's Office of the

Circuit Court of Isle of Wight County, a deed of trust to E.L. Beale, Trustee to secure a debt of ELEVEN HUNDRED DOLLARS (\$1100.00) with interest from the 14th day of March 1918 which debt is due to C.J. Cutchin; also a trust deed executed to W.H. Chapman, Trustee for A.S. Johnson, to secure \$250.00 with interest from November 29th, 1921 until paid, and so far as your Complainants know there may be other judgements in other counties of the State that bind the land of Algie Butler.

The said Algie Butler is seized and possessed in his own right of the following tract of land: That certain tract or parcel of land lying, situate and being in Windsor District, Isle of Wight County, Virginia, containing 116 acres, more or less and bounded by Blackwater River, the lands of D.A. Holland and C.J. Cutchin and known as the "Nelson Gardner" farm and upon this property the deeds of trust aforesaid are executed to secure the debts therein mentioned.

Your Complainants aver and charge that the rents and profits of the said land will not in five years satisfy the judgements which are liens upon the same, and that they are therefore entitled to have the said land sold to satisfy their own and the other liens thereon.

In consideration whereof, they pray that the said E.L. Beale, Trustee and W.H. Chapman, Trustee and Camp Manufacturing Company and all other judgement creditors be made defendants to this bill and required to answer the same on oath; that proper process issue; that all proper orders and accounts be directed and taken; that the lien creditors of the said Algie Butler be convened before a Commissioner in Chancery of this Court; that the lien debts of the said Algie Butler be ascertained, and the amounts thereof and their order of priority of lien be established; that if it appears that the rents and profits of the said land will not, in five years, pay the judgements, which are liens upon the same, that it, or so much thereof as will suffice to satisfy the liens thereon and the cost of suit and sale be sold, and the

proceeds thereof be applied to the payment of the said costs and
liens; that if such rents will so suffice, the said lands be
rented out and the rents and profits thereof be applied to the
said liens until they are fully satisfied; and that all such
other, further and general relief may be given as in the premises
is just and right. And your Complainants will ever pray, etc.

R. E. Mather per

C. S. Johnson & C. F. Colquhoun partners
by J. Johnson & C. F. Colquhoun
per R. E. Mather

2

JOHNSON & WHITEFIELD

BILL

VS

ALGIE BUTLER ET ALS.

1/25 - 1/25
1/25

R. E. L. WATKINS
Attorney At Law
FRANKLIN, VIRGINIA

Jan. 5 - 25 *7115*
24 Enns 811

R. E. L. WATKINS
ATTORNEY AT LAW
Commonwealth's Attorney for Southampton County
FRANKLIN, VIRGINIA

Dec. 18th, 1924.

Mr. R.A. Edwards, Clerk,
Isle of Wight C.H., Va.

Dear Mr. Edwards:-

Kindly give me the term of the Court at which judgement was secured by Johnson & Whitfield vs Algie Butler, the date at which interest is to be computed and the cost; in other words give me an abstract of the judgement so that the same may be attached as evidence to the bill; and if there are any other judgements against Algie Butler, kindly give me a list of those; also any deed of trust recorded against him, and the amount secured thereby, and to whom payable. Give me a description, if you please of the real estate of which he stands seized.

I have received the summons and forwarded the same to Mr. Harcum for recordation.

The memoranda will have to be amended so as to show beneficiaries as well as Trustees, in the trust deed book, also the names of the judgement lien creditors.

I will thank you to amend my memoranda accordingly, issue summons for the parties and place those in the hands of the Sheriff for service and you can send me a bill for your additional expense.

Yours sincerely,

R.E.L. Watkins
R.E.L. Watkins.

R. E. L. WATKINS
ATTORNEY AT LAW
Commonwealth's Attorney for Southampton County
FRANKLIN, VIRGINIA

August 1st, 1927.

Mr. R.A. Edwards, Clerk,
Isle of Wight C.H., Va.

Dear Mr. Edwards:-

Herewith I hand you report and decree drawn
in the matter of Johnson & Whitfield vs Algie Butler
Et Als. Kindly marked this filed, and place it with
the papers.

Very respectfully,

R.E.L. Watkins
R.E.L. Watkins.

REL:d:amc

R. E. L. WATKINS
ATTORNEY AT LAW
Commonwealth's Attorney for Southampton County
FRANKLIN, VIRGINIA

Feb. 7" 1929.

Mr. R.A. Edwards, Clerk,
Isle of Wight C.H., Va.

Dear Mr. Edwards:-

Herewith I enclose decree and report in the
suit of **JOHNSON & WHITEFIELD vs BUTLER ET ALS.**
Kindly enter the decree and place the enclosed papers
with the papers in the suit. I hope we can get a sale
this time and make delivery, so as to get this matter
closed.

Yours sincerely,

R. E. L. Watkins

R.E.L. Watkins.

RELW:amc

Dear Mr. Edwards:-

I received the fountain pen yesterday,
and I certainly thank you for your kindness to me.

Very sincerely,

Annie May Coggin
Annie May Coggin.

Franklin, Virginia,
January 9, 1931.

Mr. R. A. Edwards, Clerk,
Isle of Wight, Virginia

Dear Sir:

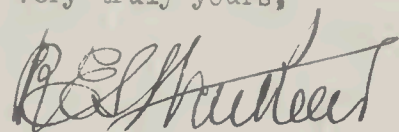
I understand that Johnson & Whitfield are negotiating a deal whereby they will release the judgment which they have against A. H. Butler.

When Johnson & Whitfield have been satisfied and have released the said judgment, I request that you dismiss the suit which they have against A. H. Butler on account of this judgment, in which suit his land was sold or attempted to be sold at auction. Johnson & Whitfield will of course settle with you for all costs.

At the same time, I think Mr. A. H. Butler should be released from jail and any charges now standing against him, whenever the said judgment is released and suit dismissed as above requested. I am making this statement about Mr. Butler's release from jail because I understand Judge White said I would have to be consulted before he was restored to liberty.

This letter will be handed to you by Johnson & Whitfield or their attorney and I shall be glad for you to act in accordance with the above statements.

Very truly yours,

A handwritten signature in dark ink, appearing to read "R. E. Whitfield". The signature is written in a cursive style with a large, prominent initial "R".

ISLE OF WIGHT COUNTY

No. 456.

Johnson & Whitfield.

vs.

Algie Butler & Co.

See Box 82.

In the Clerk's Office of the Circuit Court of the County
of Salisbury
Johnson & Whitfield Plaintiff , }
AGAINST Algie Butler Defendant , }

I, N. A. Edwards, Clerk of the said Court, do certify that the
bond required of the Special Commissioner by the decree rendered in said cause on the 7th day
of June 1927 has been duly given.

Given under my hand as Clerk of the said Court, this 9 day of June 1927
N. A. Edwards
uk

^{2 1/2}
Johnson & Whitfield
75 # 456.

Algie Bitter

Certified

Filed ~~1~~ 1/9/27.

A. A. Edwards
allh

No.

Know all Men by These Presents: That we **R. E. L. Watkins,**

principal ,

and

The Fidelity & Deposit Company Of Md., surety ,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of **One Thousand**

Dollars to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, the said **R. E. L. Watkins,** principal ,

and the said **Fidelity & Deposit Company Of Maryland** surety ,

by **R. A. Edwards,** , its duly authorized

agent and attorney in fact, has caused its corporate name and seal to be hereunto affixed, the said seal to be attested

by the signature of the said **R. A. Edwards** , its said agent and attorney

in fact, this, the **9th** day of **June** . A. D. 19 **27**

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that, if the above bound **R. E. L. Watkins, who was** on the **7th** day of **June 1927**, appointed a Special Commissioner in the Chancery suit of **Johnson & Whitfield Vs. Algie Butler**, docket number **456**, which said suit is now **pe** pending in the Circuit Court of the County of **Isle Of Wight, Virginia.**

shall faithfully discharge the duties of his office or trust as such **Special Commissioner**

, then the above obligation to be void, or else to remain in full force and virtue.

R. E. L. Watkins, [SEAL]

Fidelity & Deposit Company Of Md

By **R. A. Edwards,**

Its duly authorized agent and attorney in fact.

Attest: **R. A. Edwards.**

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of **Isle of Wight** the **9th**

day of **June** 19 **27**, this bond was duly executed and acknowledged by the obligors to the same

and ordered to be recorded.

R. A. Edwards, Clerk.

A Copy.

Teste **R. A. Edwards** Clerk.

Johnson & Whitfield, Ptff.,

Vs. Chancery 456.

Algie Butler. Dfdt.

Copy Of Bond.

Filed 6/9/27.

R. A. Edwards
Clk.

Homestead Deed -

Algie H. Butler.

I know all men by these presents, that I, Algie H. Butler, a household and head of a family, residing in the County of Isle of Wight, in the State of Virginia, do hereby certify that I have not heretofore at any time declared my intention to claim the benefit of the homestead exemption to which I am entitled under the Constitution of Virginia and the laws of Virginia for such cases made and provided, or selected or set apart as and for the said homestead exemption any estate whatsoever, real or personal, and that I do hereby declare my intention to claim the benefit of the homestead exemption - the following real and personal estate to be held by me as exempt as provided by law. My cash valuation of said real and personal estate is affixed to each parcel and article thereof respectively, which is designated and described as follows:

That certain tract of land, or
 farm in Isle of Wright County,
 Virginia, of which the late Henry
 Daughtrey died seized and possessed,
 containing one hundred and fifteen
 (115) acres, more or less and bounded
 by the Blackwater River and the
 lands of D. A. Holland, C. J. Cutchin,
 and others, it being the tract of
 land known as the Old Nelson
 Gardner place and identically the
 same tract of land that was
 conveyed to said Henry Daughtrey,
 deceased, by L. H. Holland and wife,
 by deed bearing date the 3rd day
 of January 1900, and recorded
 in the Clerk's office of Isle of
 Wright County, Virginia, in Deed
 Book 73 at page 400. This
 land being encumbered by deeds
 of trust.

My valuation of its equity
 is

	\$750.00
5 cows, 3 open	200.00
1 Littleton pea-picking machine	25.00
1 Benthal Pea-picking machine	25.00

1 Waterloo Motor No. _____	6.00
2 Ferguson Cultivators _____	6.00
1 Ferguson guano distributor _____	5.00
1 cart _____	10.00

7 Hogs _____	25.00
<u>Total Value</u> _____	<u>\$1052.00</u>

All the above personal property
being located on the real
property described herein -

Witness the following signatures
and ~~red~~ seal, this 8th day of
July 1927 -

A. H. Butler (Seal)

State of Virginia:

City of Portsmouth, Va. - wit:

I, Annie Williams a Notary
Public in and for the County City
and State aforesaid, do certify
that Algire H. Butler, whose
name is signed to the
writing above, bearing date
on the 8th day of July 1927,
has acknowledged the same
before me in my city
aforesaid. ~~on the 8th day of~~
~~July 1927,~~

Given under my hand this
8th day of July 1927.

My Commission expires ~~July~~
February 2- 1930.

Annie Wilbaird, Notary Public.

Virginia: Clerk's Office of the
Circuit Court of the County of
Isle of Wight, July 9th 1927,
at 9 o'clock A. M. This deed
was received and with
certificate annexed,
Admitted to record.

Teste: R. A. Edwards, Clerk.

A Copy -

Teste: R. A. Edwards, Clerk.

Cyber Home Stead

Filed.

A. G. Edmund
ah

Virginia,

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT,

on the 7th day of July 1924

Johnson & Whitfield

Plaintiff.

vs. {

Algie Butler.

Defendant.

Judgment in favor of the plaintiffs against the Defendant.

for Five Hundred Ninety Three and 19/100 Dollars (\$593.19)

with interest thereon to be computed after the rate of six per centum per annum from the 5th day of June 1923, till paid.

, and \$860 costs.

R. E. L. Watkins.

p. q.

Teste,

R. A. Edwards

Clerk.

Circuit Court of Isle of Wight
County, Virginia.

vs. {

ABSTRACT OF JUDGMENT.

Exhibit "A"

TO THE CLERK OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

A.S. JOHNSON AND

C.F. WHITEFIELD, PARTNERS, TRADING AS

"JOHNSON & WHITEFIELD

VS

IN CHANCERY

ALGIE BUTLER, E.L. BEALE, TRUSTEE,

W.H. CHAPMAN, TRUSTEE, CAMP MANUFACTURING COMPANY.

Summon defendants to first February rules 1925.

Amended Memo.

RE Statute p. 2.

Service already given.

Johnson & Shepard
of

Algier & Burtin
et al.

Memo.
Guide.

TO THE CLERK OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

A.S. Johnson & C.F. Whitfield,
Partners, trading as
Johnson & Whitfield

vs

IN CHANCERY.

Algie Butler.

Summon defendant to ^{Third}~~second~~ December rules 1924.

W. E. Shuster p.q.

Johnson & Shufeldt
To Memo
Algic Butler

1/2 3 Dollars
1924

Dup 750
Find
Dec. 16th - 1924.

Johnson & Whitfield

v.

A. H. Butler

Term Decur

This day came the plaintiffs and acknowledged full satisfaction of the judgment against A. H. Butler in their favor described in the bill of complaint, and moved the court to dismiss this suit.

Whereupon, on consent of counsel for plaintiffs as evidenced by letter from him this day filed with the clerk of this court, this cause is dismissed, and the plaintiffs are ordered to pay the costs thereof and the clerk is ordered to strike the same from the docket. And it appearing that the said A. H. Butler has been confined in the jail of this County for his confinement for failing to comply with a former decree herein, and it also appearing that his settlement made by the father is a substantial compliance with said decree by said Butler, it is therefore ordered that the said Butler be discharged from custody.

Johnson & Whipple
73 Cy 456
a. H. Butler,

Decree.

1931
Jan. 10,
Entered this
B. W. W.

Book 8
page 577

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY: *July 15th 1929.*

Johnson and Whitfield.....Complainants

Vs: In Chancery

A. H. Butler et als.....Defendants

It appearing to the Court that on the 5th day of June, 1929, it was ordered that A. H. Butler be summoned to appear before this Court on the first day of July, 1929, to show cause why he should not be dealt with according to law for his failure to comply with the terms of a former decree herein; and it also appearing that a copy of said order or rule has been duly executed upon the said A. H. Butler, by the Sheriff of this County, and the said A. H. Butler having failed to appear pursuant to said order, it is therefore ordered that the Sheriff of this County do proceed to attach the body of said, A. H. Butler, and produce him before this Court on the 7th day of August, 1929, then to be dealt with pursuant to law.

A Copy:

Teste *R. A. Edmund* Clerk.

a. H. Butler
attachment.

478-9

Executed this the 13th day
of July 1930 as law directed
and safely placed in the County
Jail of said of High County Va.
H. C. Whitehead Sheriff.

In the Circuit Court of Sol. flight County
John and Whitfield - Complainants
vs. 3 Debauchers
A. H. Butler et al. Defendants.

It appearing to the Court that ~~there~~
on the 5th day of June 1879. It was or-
dered that A. H. Butler be summoned to ap-
pear before this Court on the first day of
July 1879 to show cause why he should
not be dract with according to law
for his failure to comply with the
terms of a former decree herein, and
it also appearing that a copy of
said order rule has been duly ex-
cuted upon the said A. H. Butler, by the
Sheriff of this County, and the said
A. H. Butler having failed to ap-
pear pursuant to said order, it is
therefore ordered that the Sheriff of
this County do proceed to attach
the body said A. H. Butler and pro-
duce him before this Court on the
first day of August 1879, then to be
dract with pursuant to law.

Johnson & Whitfield
vs E. Fisher
A. S. Fuller, clerk

1429
July 1
Euteria
B. W.

8-517.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

Johnson and Whitfield.....Complainants

Vs: In Chancery

A. H. Butler et als.....Defendants

It appearing to the Court that on the 5th day of June, 1929, it was ordered that A. H. Butler be summoned to appear before this Court on the first day of July, 1929, to show cause why he should not be dealt with according to law for his failure to comply with the terms of a former decree herein; and it also appearing that a copy of said order or rule has been duly executed upon the said A. H. Butler, by the Sheriff of this County, and the said A. H. Butler having failed to appear pursuant to said order, it is therefore ordered that the Sheriff of this County do proceed to attach the body ~~of~~ said, A. H. Butler, and produce him before this Court on the 7th day of August, 1929, then to be dealt with pursuant to law.

A Copy:

Teste R. A. Edrard Clerk.

*a copy
Sent to Supt
7-2-29.*

JOHNSON & WHITFIELD

VS

A.H. BUTLER ET ALB.

It appearing to the Court by the report of R.E.L. Watkins, Special Commissioner, in the above suit, that A.H. Butler refuses and fails to surrender the possession of the land known as the "Nelson Gardner Tract", sold under order of the Circuit Court of Isle of Wight County, Virginia, under decree dated on the 7th day of February 1929, the said A.H. Butler having had due and proper notice of the sale of said land, the Court doth adjudge, order and decree that the said A.H. Butler appear before the Judge of the Circuit Court of Isle of Wight County, Virginia on the day of 1929, at 11 o'clock a.m. to show cause, if any he can, why he shall not be fined for contempt in failing to deliver possession of the said land, or else deliver possession thereof and pay damages for the retention thereof by him, the said A.H. Butler.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT,
JUNE 5TH, 1929.

Johnson & Whitfield

Vs:

A. H. Butler et als

It appearing to the Court by the report of
R. E. L. Watkins, Special Commissioner, in the above suit, that
A. H. Butler refuses and fails to surrender the possession of the
land known as the "Nelson Gardner Tract", sold under order of the
Circuit Court of Isle of Wight County, Virginia, under decree dated
on the 7th day of February, 1929, the said A. H. Butler having had
due and proper notice of the sale of said land, the Court doth
adjudge, order and decree that the said A. H. Butler appear before
the Judge of the Circuit Court of Isle of Wight County, Virginia,
on the first day of July, 1929, at 11 o'clock A. M. to show cause,
if any he can, why he shall not be fined for contempt in failing
to deliver possession of the said land, or else deliver possession
thereof and pay damages for the retention thereof by him, the said
A. H. Butler.

A Copy:

Teste: R. A. Edwards Clerk.

Johnson & Whitfield
vs.

A. H. Butler

Executed the within decree
this the 11th day of June 1928
by serving a true copy of the
same on A.H. Butler in person in
the county of Isle of Wight.

W. C. Whitfield Sheriff

W. C. Whitfield

copy:

Executed: 1928 June 11

JOHNSON & WHITEFIELD

VS

A.H. BUTLER ET ALS.

It appearing to the Court by the report of R.E.L. Watkins, Special Commissioner, in the above suit, that A.H. Butler refuses and fails to surrender the possession of the land known as the "Nelson Gardner Tract", sold under order of the Circuit Court of Isle of Wight County, Virginia, under decree dated on the 7th day of February 1929, the said A.H. Butler having had due and proper notice of the sale of said land, the Court doth adjudge, order and decree that the said A.H. Butler appear before the Judge of the Circuit Court of Isle of Wight County, Virginia on the *first* day of *July* 1929, at 11 o'clock a.m. to show cause, if any he can, why he shall not be fined for contempt in failing to deliver possession of the said land, or else deliver possession thereof and pay damages for the retention thereof by him, the said A.H. Butler.

Whitfield
N 3
Butler

156

1429

June 5th

Enter his

BDH

8-512.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, JUDGE JAMES L. McLEMORE, SITTING FOR AND AT THE REQUEST OF JUDGE B.D. WHITE.

VS

3 Inchaury.

On consideration whereof, the Court doth confirm the said report, and doth confirm the sale of the land described as that certain tract or parcel of land, lying and being in Windsor Magisterial District, Isle of Wight County, Virginia, containing 116 acres, more or less, and bound and described as follows:

By the Blackwater River, the lands of D.A. Holland and C.J. Cutchin, and known as the "Nelson Gardner Farm", to C.J. Cutchin and directs that a deed with covenants of special warranty, be made and executed to the said C.J. Cutchin, or to whomsoever he shall direct, upon the payment of the purchase price, and the said Special Commissioner shall report to Court.

.....

Johnson & Whitfield

vs DECREE 456

A.H. Butler, E.L. Beale,
Et als.

.....

Enter this ^{14th}..... day of
March 1929.

B.W.
.....

8-496

Virginia, In the Circuit Court of Isle of Wight
County. February 7, 1929
Present: James L. McInnis, Judge sitting at the
request of Hon. Ben D. White Judge of said Court.

Johnson & Whitfield

vs 456

A.H. Butler, E.L. Beale,
Et Als.

This cause came on this day to be heard upon the papers formerly read and upon the report of Special Commissioner, R.E.L. Watkins, filed this 7th day of February 1929, and was argued by Counsel.

On consideration whereof, the said report is confirmed, and the said R.E.L. Watkins, Special Commissioner, is directed to ^{re-}advertise and ^{re-}sell at public auction, the real estate in the proceedings mentioned and described as:

That certain tract or parcel of land, lying and being in Windsor Magisterial District, Isle of Wight County, Virginia, containing 116 acres, more or less and bound and described as follows: By the Blackwater River, the lands of D.A. Holland and C.J. Cutchin, and known as the "Nelson Gardner Farm", and upon the following terms to-wit: CASH, and the said Special Commissioner shall proceed to advertise the said property for a period of ten days, by hand bills or circulars, and the said sale shall be held in the Town of Franklin, Virginia, Southampton County. And the said Special Commissioner shall report to Court.

" " " " " " " " " " " " " " " "

Johnson & Whitfield,

vs 456 DECREE.

A.H. Butler Et Als.

" " " " " " " " " " " " " " " "

Enter this 7th day of
February 1929.

J. L. W. Moore.....

8-491

A.S. Johnson and C.F. Whitfield,
Partners, Trading as Johnson &
Whitfield,

vs

A. H. Butler.

This cause came on this day to be heard upon the papers formerly read, the report of R.E.L. Watkins, Special Commissioner filed August 12th 1927, to which ^{no} exceptions have been filed; the petition of Johnson & Whitfield filed October 13th 1927; the petition of Johnson & Whitfield filed February 16th 1928, and was argued by Counsel.

On consideration whereof the Court doth confirm the report of Special Commissioner R.E.L. Watkins, and doth adjudge, order and decree that the sale of the land in the proceedings mentioned and described, be made firm and binding upon C.F. Whitfield, and that the said Special Commissioner, R.E.L. Watkins, upon receipt of the purchase price of \$2010.00 execute to the said C.F. Whitfield, a deed with covenants of special warranty for that certain tract or parcel of land lying and being in Windsor Magisterial District, Isle of Wight County, Virginia, containing 116 acres, more or less and bounded as follows: By the Blackwater River; the lands of D.A. Holland and C.J. Cutchin, and known as the Nelson Gardner farm.

As to the petition filed by Johnson & Whitfield on the 16th day of February 1928, the Court is of the opinion that the homestead deed was filed and the homestead therein claimed before the property was subjected in the meaning of the statute, and the petition is dismissed.

As to the petition of Johnson & Whitfield filed the 12th day of October 1927, alleging that the joint obligation of A.H. Butler and Annie Sue Butler has been paid in full by Annie Sue Butler, one of the joint makers of said bond, which is secured by a deed of trust, duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, the

Court is of the opinion that the said debt having been paid by Annie Sue Butler, one of the joint makers thereof, that said debt is extinguished, and the trust deed securing said debt is no longer a lien upon the said land in the proceedings mentioned, and the Clerk of this Court is ordered to mark the deed of trust securing said bond, released on the records of the Circuit Court of Isle of Wight County, Virginia;

And the said Special Commissioner shall report to Court.

13th

.....

Johnson & Whitfield,

vs DECREE.

A.H. Butler.

.....

Seen
A. J. Bange, Atty.

Enter this ¹⁴..... day of

August 1928.

Jas. S. McNamee
.....

8-458

A.S. JOHNSON AND C.F. WHITFIELD,
PARTNERS, TRADING AS
JOHNSON & WHITFIELD

vs

A.H. BUTLER, E.L. BEALE, TRUSTEE, ET ALS.

This cause came on this day to be heard upon the motion of Johnson & Whitfield to file their petition in this cause, leave of Court is granted for the filing of the said petition, and the same is accordingly filed this date.

Johnson & Whitfield

vs DECREE.

E.H. Butler, Et Als.

Enter this 16th day of
February 1928.

.....

A.S. JOHNSON AND C.F. WHITFIELD,
PARTNERS, TRADING AS
"JOHNSON & WHITFIELD"

vs.

ALGIE BUTLER, E.L. BEALE, TRUSTEE,
ET ALS.

This cause came on this day to be heard upon the papers formerly read, and upon the report of Special Commissioner R.E.L. Watkins, filed this day of 1927, and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that the report of the said Commissioner be confirmed, and that the sale of the property known as that certain tract or parcel of land, lying and being in Windsor Magisterial District, Isle of Wight County, Virginia, containing 116 acres, more or less, and bounded as follows, by the Blackwater river, the lands of D.A. Holland and C.J. Cutchin, and known as the "Nelson Gardner" farm, to C.F. Whitfield, for the sum of TWO THOUSAND AND TEN DOLLARS (\$2010.00) be confirmed and made binding upon the said C.F. Whitfield, and upon the said C.F. Whitfield complying with the terms of sale, that the Special Commissioner execute to the said C.F. Whitfield, a deed with covenants of special warranty for the property above described, and that out of the proceeds of sale, the said Special Commissioner shall pay first the deed of trust or the bond thereby secured held by Annie Sue Butler, and second, the bond held by A.S. Johnson, secured by a deed of trust on the said land, and the balance, after deducting the cost of this suit, pay the holders of the judgements set out in the Commissioner in Chancery's report, according to their priority and dignity. And the said special commissioner shall report to Court.

Aug 2-1927.

JOHNSON & WHITFIELD

vs DECREE.

ALGIE BUTLER ET ALS.

Enter this day of

..... 1927.

.....

A. S. Johnson ^{Esq}
C. F. Chubbfield,
Partners ^{Wadeig or}
Johnson & Chubbfield,

B. E. D. Reale Master sh. etc..
A. H. Butler

This cause came on this day
for motion of Johnson ^{Esq} & Chubbfield for
leave of court to file their petition in
this case, which leave is accordingly granted,
and the petition ^{is} this day filed -

Johnson & Whitefield

G. H. Beetham E. L.
Beale, Master, & Co.

1927 Oct 19th
filed -

1927

Oct 19

Enter

B.D.W.

Chaucy Alder Book 8
Page 409.

A.S. JOHNSON and C.F. WHITEFIELD,
Partners, trading as
JOHNSON & WHITEFIELD

vs

ALGIE BUTLER, E.L. BEALE, TRUSTEE
Camp Manufacturing Company, and
all other lien creditors of
Algie Butler.

This cause came on this day to be heard on the
papers formerly read and the amended report of Commissioner in
Chancery, R.A. Edwards, filed May 24th 1927, to which no except-
ions have been taken, which said report is confirmed, and it
appearing from the said report that the rents arising from the
real estate in the proceedings mentioned and described, will
not in five years pay off the judgments, taxes and interest,
it is adjudged, ordered and decreed that the real estate men-
tioned and described in the proceedings as follows: That
certain tract or parcel of land, lying and being in Windsor
Magisterial District, Isle of Wight County, Virginia, con-
taining 116 acres, more or less, and bounded by Blackwater
River, the lands of D.A. Holland and C.J. Cutchin and known as
the "Nelson Gardner Farm", be sold ^{in Franklin} at public auction, for cash after
first advertising the time, place and terms of sale by hand
bills, ^{posted at ten or more public places in the County} for a period of twenty days, ^{for this purpose} in the Town of Franklin,
Virginia, and R.B.L. Watkins, be and hereby ~~is~~ appointed ^{before he shall proceed}
Special Commissioner to sell the said land, but ~~the said R.B.L.~~
~~Watkins, Special Commissioner, shall not have the benefit of~~
~~this decree until he shall enter into a bond with security to be~~
approved by the Clerk of this Court in the penalty of \$1,000⁰⁰
conditioned according to law, And the said Special Commissioner
shall report to Court.

JOHNSON & WHITEFIELD,

vs 456

ALGIE BUTLER, ET ALS.

Enter this 7th day of
June 1927. B.D.W.

Order Book 8
Page 389

A.S. Johnson and
C.F. Whitfield, Partners,
trading as "Johnson & Whitfield"

vs

Algie Butler, E.L. Beale,
Trustee, W.H. Chapman, Trustee,
Camp Manufacturing Company and
all other judgement lien creditors
of Algie Butler.

This cause in which A.S. Johnson and C.F. Whitfield,
partners trading as Johnson & Whitfield are Plaintiffs and Algie
Butler, W.H. Chapman, Trustee, E.L. Beale, Trustee, Camp Manufact-
uring Company and all other judgement lien creditors of Algie
Butler are defendants, came on this day to be heard upon the bill
of the Complainant and exhibits filed therewith and was argued by
Counsel.

On consideration whereof the Court doth adjudge, order
and decree that the papers in this cause be referred to one of
the Commissioners in Chancery of this Court to ascertain:

First: The real property of which Algie Butler stands
seized and the fee simple and annual value thereof;

Second: ~~That~~ the lien creditors of the said Algie
Butler be convened before the said Commissioner in Chancery;

Third: ~~That~~ the lien debts of the said Algie Butler
be ascertained, the amounts thereof and their order of prior-
ity of lien be established.

Fourth: ~~Ascertain~~ the rents and profits arising from
the land of the said Algie Butler, and whether or not such rents
and profits will in five years, pay the judgements, which are
liens upon the same.

*Truth: Whether, ⁻²⁻ after proper and necessary
parties are properly before the Court*

~~FIFTH~~: To inquire into such other matters as the
Commissioner may deem pertinent, or by any party ⁱⁿ ~~at~~ interest may
deem pertinent, and state the same to the Court, and the said
Commissioner in Chancery shall report to Court.

4
A.S. JOHNSON &
C.F. WHITFIELD,
Partners trading as
Johnson & Whitfield,

vs
1st Decree.
ALGIE BUTLER ET ALS.

Enter this 20th day of
Apr. 1925.

BOW.

Book 8
page 275

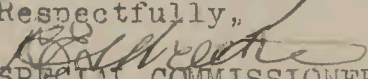
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TO HONORABLE B.D. WHITE, JUDGE OF THE CIRCUIT
COURT OF ISLE OF WIGHT
COUNTY, VIRGINIA.

" " " "

Your petitioner, R.E.L. Watkins, Special Commissioner, appointed by a decree on the 8th day of June 1927, in the Chancery cause of Johnson & Whitfield vs Algie H. Butler, respectfully represents unto the Court that pursuant to said decree, your Commissioner exposed to public sale the property in the proceedings mentioned on the 2nd day of July 1927, and that C.F. Whitfield became the purchaser, and that the sale was duly confirmed on the 14th day of August 1928; that A.H. Butler continued to occupy the premises, and cut and removed valuable standing timber from the said land, and so damaged the said property, that Whitfield declined to accept a deed therefor, and on the 7th day of February 1929, a decree was entered in said suit, directing a re-sale of the property in the proceedings mentioned and described, on the 23rd day of February 1929, C.J. Cutchin became the purchaser of the said land by bidding therefor the sum of \$925.00, and on the 14th day of March 1929, a decree was entered in the said suit confirming the sale of the said land to the said C.J. Cutchin, and directing that a deed with covenants of special warranty, be executed to him, the said C.J. Cutchin, by R.E.L. Watkins, Special Commissioner, and continuous since the said sale, A.H. Butler continues to occupy the said land, and your Commissioner respectfully represents that the said C.J. Cutchin is ready, willing and able to pay the purchase price for the said land, but is unwilling to accept a deed therefor unless he can have possession thereof, and that the said A.H. Butler holds, retains, and refuses and fails to yield possession thereof, and therefore treats with contempt the order of the Court in this matter, and he prays therefore that the said A.H. Butler may be brought before the Court and required to show cause why he should not be punished for this contempt.

Respectfully,


SPECIAL COMMISSIONER.

In the Circuit Court of Isle of Wight County.
Johnson & Whitfield
A.H. Butler

TO THE HONORABLE B.D. WHITE, JUDGE OF THE CIRCUIT
COURT OF ISLE OF WIGHT COUNTY:

" " " " " " " "

The undersigned, R.E.L. Watkins, your Special Commissioner, by a decree entered on the 7th day of February 1929, in the Chancery cause of Johnson ^{and} Whitfield vs A.H. Butler, E.L. Beale, et als., directing a re-sale of the following described tract of land, that certain tract or parcel of land, lying and being in Windsor Magisterial District, Isle of Wight County, Virginia, containing 116 acres, more or less, and bound and described as follows: By the Blackwater River, the lands of D.A. Holland and C.J. Cutchin, and known as the "Nelson Gardner" farm, respectfully reports, that after duly advertising the sale of the said property at public auction by hand bills or circulars posted in accordance with the said decree, on the 23rd day of February 1929, at 2 o'clock p.m. of that day, in front of the U.S. Post Office, in the Town of Franklin, exposed the said property to sale at public auction, and at the sale so held, C.J. Cutchin became the purchaser by bidding therefor the sum of **NINE HUNDRED AND TWENTY FIVE DOLLARS (\$925.00)** that being the last and highest bid offered for the said property.

Your Commissioner further reports that he is advised and believes that during the pendency of this suit, that A.H. Butler has cut and removed from the land, valuable standing timber, some of which was sold for saw mill purposes, and some of which was cut and sold for fire wood, and that the said A.H. Butler has depreciated greatly the value of said property by his continuous use of the land and the conversion of the standing timber, and in view of the depreciation of said land by the acts of the said Butler, that it is impossible to secure a better price than that offered, and your Commissioner therefore, recommends that the sale of the said land to the said C.J. Cutchin be confirmed, and that a deed, with covenants of special warranty,

be executed to the said C.J. Cutchin, or to whomsoever he may direct, upon the payment of the purchase price.

Respectfully submitted,

R. S. Harker
.....
SPECIAL COMMISSIONER.

.....

Johnson & Whitfield

vs 456

A.H. Butler, E.L. Beale,
Trustee, et als.

.....

Report of Special Commissioner

Filed this 15 day of
March 1929.

BAE

SPECIAL COMMISSIONER'S RE-SALE OF VALUABLE REAL ESTATE.

By virtue of authority vested in the undersigned,
R.E.L. Watkins, Special Commissioner, by a decree entered on
the 7th day of February 1929, in the Chancery Cause of Johnson
& Whitfield vs A.H. Butler, E.L. Beale, Trustee, et als,
directing a re-sale of the following described tract of land:

That certain tract or parcel of land, lying and
being in Windsor Magisterial District, Isle of Wight County,
Virginia, containing 116 acres, more or less, and bound and
described as follows: By the Blackwater River, the lands of
D.A. Holland and C.J. Cutchin, and known as the "Nelson
Gardner" farm,

I shall proceed to sell at PUBLIC AUCTION, to the
highest bidder, the above tract of land on the

23rd day of February 1929,

at about 2 o'clock p.m. of that day,

IN FRONT OF THE UNITED STATES POST OFFICE,

FRANKLIN, VA.

on the following terms to-wit: CASH:

Franklin, Va.
Feb. 8th 1929.

R.E.L. Watkins,
Special Commissioner.

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ISLE OF
WIGHT COUNTY:

JOHNSON & WHITFIELD, PLAINTIFFS
VS
A.H. BUTLER ET ALS, DEFENDANTS.

I, R.A. Edwards, Clerk of the said Court, do certify
that the bond required of the Special Commissioner by the decree
rendered in said cause, on the 7th day of June 1927, has been
duly given.

Given under my hand as Clerk of the said Court,
this 9th day of June 1927.

R.A. Edwards,
Clerk.

(PLEASE POST)

I hereby certify that on the 23rd day of February 1929, in front of the U.S. Post Office, in the Town of Franklin, at about 2 o'clock p.m. of that day, I offered the within described farm at public auction, and that C.J. Cutchin became the purchaser thereof by bidding therefor the sum of \$925.00, that being the last and highest bid made therefor.

J. L. Harman.....CRIER.

Franklin, Va.
Feb. 23, 1929.

B. D. White
TO THE HONORABLE ~~JAMES L. MCLEMORE~~, JUDGE OF THE
CIRCUIT COURT OF ~~SOUTHAMPTON~~ *Isle of Wight*
COUNTY, VIRGINIA.

" " " "

Your Special Commissioner, R.E.L. Watkins, appointed by a decree of the Circuit Court of Isle of Wight County, Virginia, in the Chancery cause of **JOHNSON & WHITFIELD, vs A.H. BUTLER**, respectfully represents unto the Court that on the 2nd day of July 1927, the real estate in the bill and proceedings mentioned and described, was exposed to public auction in the Town of Franklin, Virginia, and that C.F. Whitfield became the purchaser of the land therein described, by bidding therefor the sum of **TWO THOUSAND AND TEN DOLLARS (\$2,010.00)**; that on the 14th day of August 1928, a decree was entered in this cause confirming the sale of the said land to the said C.F. Whitfield, and directing a deed with special warranty to be made to the said C.F. Whitfield, by R.E.L. Watkins, Special Commissioner appointed by a decree in said suit.

Your Special Commissioner respectfully reports to Court that he has been unable to deliver a deed to the said C.F. Whitfield and the said C.F. Whitfield declined said deed for the reason as he states, that since the said sale, that the said A.H. Butler has entered upon the said land and has cut and removed standing timber therefrom, and has cut and removed a considerable quantity of wood therefrom, committing a damage to the said property to an amount equal to **SIX HUNDRED DOLLARS (\$600.00)** and that by the damage aforesaid, the said C.F. Whitfield states that he cannot afford to pay the purchase price aforesaid.

Your Commissioner therefore, prays that he may be directed to again offer the said property at public auction to the highest bidder in accordance with the terms set forth in the former decree of sale.

Respectfully submitted,

R. E. L. Watkins
Special Commissioner.

Johnson & Whitfield

456 vs REPORT OF SPECIAL COMM.

A.H. BUTLER ET ALS.

1929 February 7. Filed.
Jm.

TO THE HONORABLE B.D. WHITE, JUDGE OF THE CIRCUIT
COURT OF ISLE OF WIGHT COUNTY
VIRGINIA.

The undersigned, Your Special Commissioner, appointed by a decree entered on the 8th day of June 1927, in the chancery cause pending in the Circuit Court of Isle of Wight County, Virginia, generally styled Johnson & Whitfield vs Algie Butler, E.L. Beale, Trustee, et als, pursuant to said decree, after giving bond as required by said decree, and after duly advertising the property in the said decree described by posters as required, did, on the 2nd day of July 1927, in the town of Franklin, in front of the U.S. Post Office, at 2 o'clock p.m. of that day. proceed to sell at public auction the following real property to-wit:

That certain tract or parcel of land, lying and being in Windsor Magisterial District, Isle of Wight County, Virginia, containing 116 acres, more or less, and bounded as follows: By the Blackwater river, the lands of D.A. Holland and C.J. Cutchin, and known as the "Nelson Gardner" farm, and at the sale so held, C.F. Whitfield became the purchaser of the said land by bidding therefor the sum of **TWO THOUSAND AND TEN DOLLARS (\$2010.00)** that being the last and highest bid made for the said property.

Your Commissioner is of the opinion that the land brought a fair price, and recommends that the sale be confirmed to the said C.F. Whitfield.

Respectfully submitted,



SPECIAL COMMISSIONER.

Johnson & Whitfield
78 #456

Algier Buster

Rept of Spec Coin.

Filed Aug. 1-1927.

8/1/27
Filed

you + 1075

1920 42.73 $\frac{2.56}{15.36}$ 42.73 15.36 50 58.59 ✓
 $\frac{.06}{256.38}$ 58.59 62.13
56.89

1921 48.88 $\frac{2.93}{14.65}$ 48.88 14.65 63.53 52.50 36.54 14.70 17.55
 $\frac{.06}{293.28}$

1922 45.89 $\frac{2.75}{11.00}$ 45.89 11.00 56.89 108.68 1189.10
 $\frac{.06}{275.34}$

1923 45.51 $\frac{2.75}{8.25}$ 45.51 8.25 53.76
 $\frac{.06}{275.34}$

1925

1924 46.88 $\frac{2.81}{5.62}$ 46.88 5.62 52.50
 $\frac{.06}{281.28}$

200
1000-

593.19 $\frac{35.59}{142.36}$ 593.19 124.57 860 726.36-
 $\frac{.06}{355914}$

Ass-No

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Jt 11

B

Buster -

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Special Commissioner's Sale of Valuable **REAL ESTATE** In Isle of Wight County, Virginia

By virtue of a decree entered on the 8th day of June, 1927, in the Circuit Court of Isle of Wight County, Virginia, in the Chancery cause pending in said Court generally styled Johnson & Whitfield vs Algie Butler, E. L. Beale, Trustee, et als., I shall proceed to sell at Public Auction in the

TOWN OF FRANKLIN

In Front of the U. S. Post Office, on
Saturday, July 2, 1927
AT ABOUT 2 O'CLOCK OF THAT DAY

The following real property to-wit: That certain tract or parcel of land, lying and being in Windsor Magisterial District, Isle of Wight County, Virginia, containing 116 acres, more or less, and bounded as follows: By the Blackwater River, the lands of D. A. Holland and C. J. Cutchin, and known as the "Nelson Gardner Farm."

TERMS: CASH.

R. E. L. WATKINS, Special Commissioner

June 9, 1927.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight.
Johnson & Whitfield, plaintiffs, against Algie Butler, defendants.

I, R. A. Edwards, Clerk of the said Court, do certify that the bond required of the Special Commissioner by the decree rendered in said cause on the 7th day of June, 1927, has been duly given.

Given under my hand as Clerk of the said Court, this 9th day of June, 1927.

R. A. EDWARDS, Clerk.

News Publishing Co., Franklin, Va.

I hereby certify that on the
2^d day of July 1927 I sold
the within described property
in front of the U.S. Post Office in
the town of Laramie at 2 o'clock
p.m. at public auction and
that C. F. Whitfield became the
purchaser by bidding there for the
sum of Two Thousand Six Dollars
(\$2010) that being the last and
highest bid made for the said
property

July 2/27. J. L. Harcum Clerk

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

A.S. Johnson and C. F. Whitfield
partners, trading as Johnson and
Whitfield.

vs) Chancery #456

Algie Butler,
E.L. Beale, trustee,
Camp Manufacturing Company, and
all other lien creditors of Algie
Butler.

TO THE HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT
COURT OF ISLE OF WIGHT COUNTY.

The undersigned, one of the commissioners in chancery
of the Circuit Court of the County aforesaid, to whom was
referred the papers in the above entitled cause for the
execution of a decree therein mentioned, and who did on the
5th day of May, 1926, make and file his report as required
by said decree, being now requested by the plaintiffs in this
cause to so do, and for the reason hereinafter more fully
set forth, doth make and file for your Honor's attention
an amended report, to the report heretofore filed in this
cause.

Your commissioner herewith respectfully reports
that in the making of his former report in this cause, due
to an oversight on his part, that the interest due and unpaid
on the delinquent taxes and judgments mentioned in said
report was not calculated, and reported, nor was it taken
into consideration, when he arrived at his answer to query
three of the decree for inquiries, which said interest, if

calculated will very materially change the status of the cause as your commissioner understands it.

Q-3. The rents and profits arising from the lands of said Algie Butler, and whether or not such rents and profits will in five years pay the judgments which are liens upon the same.

Your Commissioner is now informed and reports that even though were the lands of Algie Butler rented at a price not less than \$200.00 per year for a period of five years, that the claims for delinquent taxes and judgments now of record could not be satisfied, and Your Commissioner does not believe that the said property could be rented to any one for more than \$200.00 per year, even should it bring such a price.

As to the items of delinquent taxes and interest, judgments, interests and cost, your Commissioner herewith reports the following, which are of record in the Clerk's Office of the Circuit Court of this County.

- (1) Delinquent taxes, interest and charges, for year 1920.....\$58.59
- (2) Delinquent taxes ,interest for year 1921, \$63.53
- (3) Delinquent taxes, interest, for year 1922, 56.89
- (4) Delinquent taxes, interest, for year 1923. 53.76
- (5) Delinquent taxes, interest, for year 1924. 52.50
- (6) A judgment of Seaboard Air Line Railway, with interest and cost.....\$ 36,54.
- (7) A judgment of Seaboard Air Line Railway, with interest and cost,..... \$14.70.

(8) A judgment of Seaboard Air Line Railway Co., with interest and cost, , , , , , , , , , \$17.55

(9) A judgment of Johnson and Whitfield, with interest and cost. , , , , , , , , , \$ 726.36.

(10) A judgment of Franklin Coal and Ice Co, with interest and cost, , , , , , , , , \$ 108,68.

Totale. , , , , , , , , , \$1189.10.

Your Commissioner begs leave to further report that taxes for the year of 1925 are also at this time returned delinquent, which with interest added, amounts to some over \$50.00, however, the same is not included in the original report, nor in the above figures.

From the above it will be readily seen that the rents and profits of the Algie Butler land, which at the highest estimate according to the belief of your commissioner, for a period of five years, would not exceed \$1000.00, while the total amount of delinquent taxes, judgments, interests and costs amounts to \$1189.10, not including 1925 taxes.

Very Respectfully Submitted.

R. A. Eames
Commissioner in Chancery

6
Johnson & Whitfield,

Chancery 456.

Algie Butler et als.

Amended Report of Commissioner
in Chancery.

Filed 5/24/27.

R. A. Edwards
Clerk.

R. A. EDWARDS
COMMISSIONER IN CHANCERY
CIRCUIT COURT
ISLE OF WIGHT COUNTY
ISLE OF WIGHT, VIRGINIA