

1909-008
Nansemond Co (Suffolk)

Chancery Causes: Tygert-Allen Fertilizer Co vs R. Harry Butler et al

Phillips, Pettit

Dygest-Allen Fertilizer Co
against } In Chancery

Butter & others

Taxed Costs to and including
July 5th 1904.

	Paid	
Clerk		6.66
Atty & Day		16.50
Sheriff		4.00
		\$27.16

Commissioner Lee Britt
makes no charge for
reports made by him

Sybert-Allen
Freilizer Leo
v}

Butter & other

Memo. Costs

The clerk of the Circuit Court for
the County of Chancery will issue
process as follows:

The Tygert-Allen Fertilizer
Company. (a corporation) of Philadelphia,
Pennsylvania. Complainant

Against

In Chancery

R. Harry Butler, Rosa M. Pettit,
Trustee, Horace B. Phillips, Evelyn
K. Phillips, Holmes Riddick Butler,
Lucy Riddick Butler and Margaret
Smith Riddick Butler, the three last-
named being infants under the
age of twenty-one years. Defendants

~~To Rules on First Monday in April~~
~~1902~~ To answer a Bill in Chancery
To Rules on First Monday in April
1902

Wilbur J. Kilby p. q.

18 March 1902

Tax \$1.50 Paid.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

*R Nanny Butler Rosa
M Pettit Bruster Horace B Phillips Evalyn K
Phillips Holmes Riddick Butler Lucy
Riddick Butler and Margaret Smith Riddick
Butler the three last-named being infants
under the age of twenty-one years.*

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held
for the said Court, on the *First* Monday in *April 1902*, to answer

a Bill in Chancery, exhibited against *them*
in the said Court by *The Sygeest-Alum Fertilizer
Company (a Corporation) of Philadelphia
Pennsylvania*

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this *18th* day of
March, 1902, in the 12th year of the Commonwealth.

A copy—Teste:

Teste:

, CLERK.

, CLERK.

I have on this 19th day of March 1902, executed and served this process on the within-named R Harry Butler, Rosa M Pettit-Trustee and Evelyn K Phillips by delivering a copy thereof in writing to each of them. And being unable to find the within named Norace B Phillips at his usual place of abode, I have on the day and year aforesaid executed and served this process on him the said Norace B Phillips by delivering a copy thereof in writing and giving information of its purport to his wife the said Evelyn K Phillips whom I found at his usual place of abode, she being above the age of sixteen years.

R E Norfleet Deft
For A H Baker Shff

W J Kirby p. q.

The Sargent & Allen
Fertilizer Company

vs In Chancery.

R Harry Butler
and others

1902

c April Rules.
First Monday.

Nansemond Circuit Court.

Process Book No. 2

Page 224

Virginia:

At Rules held in the clerk's office of the Circuit Court for the County of Hansemond on the 7th day of April 1902.

The Tygert-Allen Fertilizer Company (a corporation) etc. Complainant

Against } In Chancery

R. Harry Butler, Rosa M. Pettit, Trustee, and others. Defendants.

On the motion of the Complainant by counsel, Robert W. Withers, a discreet and competent attorney-at-law, is appointed guardian to the defendants, Holmes Riddick Butler, Lucy Riddick Butler and Margaret Smith Riddick Butler, who are infants under the age of twenty-one years, to defend them in this suit.

A. J. Gomer Clerk
Circuit Court of
Hansemond County

Dygent-Allen Fert. Co.

vs. } In Chy.

Butler fals.

Order appoint-
ing guardian
ad litem

Commissioner's Office,
Suffolk, Va. July 4, 1904.

The Tygert-Allen Fertilizer Co.-----Complainant-----

VS -----In Chancery-----

R. Harry Butler, et Als-----Defendants-----

IN THE CIRCUIT COURT OF NANSEMOND COUNTY-

To the Honorable Robert R. Prentiss, Judge of said Court:-

Pursuant to decree entered in this cause on the 21 day of October, 1902, the undersigned, one of the Commissioners in Chancery of this Court, having first given notice of the time and place, which notice duly served or accepted is filed with my special report dated May 4, 1904, I proceeded on the 21 day of January, 1904, and on subsequent days by adjournment, to make the inquiries and examination, and to state the accounts and matters, required by the said decree, and now report to the Court as follows:-

1-"An account of all claims against, or debts due by said R. Harry Butler, secured by liens of deeds of trust, judgments, or otherwise, including the judgment in favor of the complainant, The Tygert-Allen Fertilizer Company, on any real estate, he may now own or may have owned at any time heretofore."

No claims against, or debts due by R. Harry Butler have been reported, and your Commissioner has failed to ascertain any claims or debts due by him except one judgment in favor of The Tygert-Allen Fertilizer Company for the sum of \$269.23 with interest thereon from January, 1895 to July 1, 1904, 161.53 and costs amounting to 6.14

aggregating the sum of \$436.90 which judgment was docketed in the Clerk's Office of Nansemond County on the 1 day of January, 1895, and is now unpaid, and is a lien on any real estate, or interest in real estate, now owned by said R. Harry Butler, or which he may have owned at any time heretofore subsequent to the docketing of said judgment.

Your Commissioner begs to report that the said R. Harry Butler, by deed dated the 16 day of March 1901 and recorded on the 29 day of May, 1901 in the said Clerk's Office, conveyed unto Rosa M. Pettit, in trust for the uses and purposes therein mentioned, "all of his, the said grantor's interest, of every nature and description, same being as tenant by the courtesy, in and to the real estate of which the said Lucy R. Butler died seized and possessed, wherever same may be located," being the property hereinafter mentioned and described, except an undivided one fourth interest in Lot No. 6, situate on Pinner Street in Suffolk, Virginia.

Your Commissioner is of the opinion that the said conveyance is effective and operative subject to the lien of the said judgment.

2-"An account of any real estate, or interest in real estate now, or heretofore, belonging to said R. Harry Butler, subject to all liens, including its fee simple and annual values."

Your Commissioner reports that Lucy C. Butler, the wife of the said R. Harry Butler, died on the 6 day of February, 1901, leaving the said R. Harry Butler, her husband, surviving, who is now living, and three infant children, Holmes Riddick Butler, Lucy Riddick Butler and Margaret Smith Riddick Butler, surviving her and now living, and that the said Lucy C. Butler died seized and possessed, in fee, of the following parcels of real estate, situate in the town of Suffolk, in the State of Virginia, to wit:-

- 1-Lots Nos. Two, Four and Six, with a vacant lot attached to Lot No. 4, situate on the West side of Holladay Street, upon which parcels of land there are buildings.
- 2-A one fourth undivided interest in and to Lot No. Six, situate on the West side of Pinner Street.
- 3-Lot No. Eighteen, with buildings thereon, situate on the West side of Franklin Street, subject to the lien of a certain deed of trust, dated October 23, 1899, and recorded November 11, 1899, given to secure the payment of \$650, with interest thereon, to N. Lula Pope, which lot has been since sold and conveyed by J. L. McLeMore, Special Commissioner, under decree of the Circuit Court of Nansemond County, in the chancery cause of W. C. Harrell and Others vs Butler's Administrator.

Your Commissioner is of the opinion that an estate by the curtesy in the said property vested in the said R. Harry Butler on the death of the said Lucy C. Butler, on which the said judgment became a lien prior to other claims.

The said property is assessed on the books of the Commissioner of the Revenue for taxable purposes for the year 1903, as follows, to wit:-

Lot 2, on Holladay Street,	\$600
Lot No. 4 on " "	550
Lot No. 6, " " " , with vacant land attached,	600
Lot No. 18 Franklin Street,	
Lot No. 6 " Pinner Street (one fourth)	225

Based upon the present rentals of the said lots, your Commissioner reports the annual values thereof as follows:-

Lot No. 2, on Holladay Street,	\$66.00
Lot No. 4, " " "	72.00
Lot No. 6, " " "	60.00
Lot No. 6, " Pinner " (one fourth)	24.00
aggregating the sum of	<u>\$222.00</u>

Lot No. Eighteen (18), situate on Franklin Street, which was sold to Mrs. Evelyn K. Phillips, has an annual rental value of about \$180.00.

- 3-"An account of the transactions of Rosa M. Pettit, Trustee, of the infant defendants, Holmes Riddick Butler, Lucy Riddick Butler and Margaret Smith Riddick Butler, under the deed of trust in the bill mentioned, made by said R. Harry Butler to said Rosa M. Pettit, Trustee, on the 16th day of March 1901, and recorded on the 29th day of May, 1901, in the Office of the Clerk of the County Court of Nansemond County."

After diligent and repeated inquiry, your Commissioner has failed to get information detail that would enable him to make up the several accounts of Rosa M. Pettit, Guardian and Trustee for the infant defendants, Holmes Riddick Butler, Lucy Riddick Butler and Margaret Smith Riddick Butler, showing in detail the receipts and disbursements in each case definitely.

The guardian has submitted a statement showing that she has received the following amounts:-

From J.L. McLeMore, Special Commissioner,	\$380.23
Aggregated rents from March 1901 to Jan'y 1902,	167.50
From January 1902 to June 1904,	488.56
Aggregating the sum of	<u>\$936.29</u>

which amounts the said Rosa M. Pettit, Guardian and Trustee, claims to have paid out, with the exception of the sum of \$3.03, for the said wards and infants, and about the said estate of Lucy C. Butler, deceased, in keeping up repairs &c., and has submitted to your Commissioner many papers in support of her claim, which are herewith filed for reference, in the event the Court should require a further effort on the part of your Commissioner to make up in detail such a report, which would require a long period of time, if possible to be done in detail at all. I believe the said Rosa M. Pettit has submitted all her papers bearing upon the matter, and has paid out all of the money coming into her hands, except the said sum of \$3.03. From Jan'y 1, 1902 to March 15, 1902, rents amounting to \$35.00 were collected from the property.

*-

- 4-"An account of the present and commuted value of said R. Harry Butler's estate by the curtesy in the sum of \$1905, for which a certain parcel of land, in which he has an estate by the curtesy, was sold on the 26th day of November, 1901, as stated in said bill, such value to be ascertained in pursuance of Section 2281 of the Code of Virginia."

From the best information obtainable, your Commissioner is advised that the present age of said R. Harry Butler is thirty eight years, and that his estate by the curtesy in the sum of \$1905, for which Lot No. 18 sold, has a present value, or commuted value of \$1398.91, which has been ascertained by direction of the decree of reference in this cause.

Your Commissioner is of the opinion that the estate by the curtesy in Lot No. 18 can be based only on the net proceeds from the sale of the said property, deducting the costs of suit and expenses of sale and the amount due on the secured debt at the time of the said sale, which net proceeds amount to the sum of \$1320, the principal upon which the present value, or commuted value, of the estate by the curtesy, upon the basis of 38 years, amounts to the sum of \$846.93, at this date, but the said present, or commuted, value of said estate by the curtesy at the time of said sale of said property, upon the basis of 35 years, amounts to the sum of \$870.05.

5- Your Commissioner refers to report under section 3, which shows the information obtainable on the matters involved in the inquiry herein suggested.

6- No other matter has been suggested for investigation or inquiry.

Respectfully submitted,

Lee Britt

Commissioner.

Tygert-Allen Fertil-
izer Co.

vs. } In Chy.

Butler & als.

Report of Court.
under decree of 21st.
October 1902.

1904 July 5th Filed

A. P. Gomez D.C.

IN THE CIRCUIT OF NANSEMOND COUNTY-

Tygert Allen Fertilizer Co.

VS-----In Chancery-----

Butler and Others-----

To the Hon. Robert R. Prentiss, Judge of said Court:-

Pursuant to decree in this cause entered on the 21 day of October, 1902, upon reference (by counsel for the complainant) to me as one of the commissioners in chancery of said court, I notified the parties in interest in said cause that, on the 21 day of January, 1904, at my office in Suffolk, Virginia, I would investigate, take, state and report to Court on the matters of inquiry contained in said decree, which notice duly served, or accepted, I herewith file. Notwithstanding said notice I have not succeeded in obtaining the information necessary to enable me to make report on the matters contained in Sections Three and Five of said notice, and I hereby report to Court, at the special request of counsel for the complainant, the said, fact.

Respectfully submitted,

Leet Witt

Commissioner in Chancery.

Commissioner's Office.

January 9, 1904
Suffolk, Va., ~~December 15th, 1902.~~

No-
The Tygeat-Allen Fertilizer Company, (a Corporation)
of Philadelphia, Pennsylvania--- Complainant.
and

R. Harry Butler, Rosa M. Pettit, Trustee, Horace B. Phillips, Evalyn
K. Phillips, Homes Riddick Butler, Lucy Riddick Butler and Margaret
Smith Riddick Butler, the last three named being infants under
the age of twenty-one years--- Defendants.

You are hereby notified that on the 21 day of *January*
1904
~~1902~~, at my office, in Suffolk, Va., (at which time and place you
are required to attend), I shall investigate, take, state and re-
port to Court on the following inquiries which are to be taken,
investigated, stated and reported to Court in pursuance of the
decree of the Circuit Court of Nansemond County, Va., rendered
on the 21st day of October, 1902, in the suit in chancery pending
in said Court, to which you are parties, complainant and defen-
dants, to-wit:-

1- An account of all claims against, or debts due by, said R.
Harry Butler, secured by liens of deeds of trust, judgments, or
otherwise, including the judgment in favor of the Complainant,
The Tygeat-Allen Fertilizer Company, on any real estate, he may
now own, or may have owned at any time heretofore.

2- An account of any real estate, or interest in real estate,
now, or heretofore belonging to said R. Harry Butler, subject to
said liens, including its fee simple and annual values.

3- An account of the transactions of Rosa M. Pettit, Trustee
of the infant defendants, Homes Riddick Butler, Lucy Riddick But-
ler, and Margaret Smith Riddick Butler, under the deed of trust,
in the bill mentioned, made by said R. Harry Butler to said Rosa
M. Pettit, Trustee, on the 16th day of March 1901, and recorded on
the 29th day of May, 1901, in the office of the clerk of the Coun-
ty Court of Nansemond County.

4- An account of the present and computed value of said R. Harry

Butler's estate by the curtesy in the sum of \$1905 for which a certain parcel of land, in which he has an estate by the curtesy, was sold on the 36th day of November 1901, as stated in said bill; such value to be ascertained in pursuance of section 2381 of the Code of Virginia.

Given under my hand as Commissioner in Chancery of said Court,
 9th January 1904
 this 15th day of December, 1903.

Commissioner in Chancery.

I have this 9th day of January 1904, ^{in Nansemond County, Virginia,} executed and served the within process on the within named R. Harry Butler, Rosa M. Pettit, Trustee, and Evelyn K. Phillips, by delivering a true copy thereof in writing to each of the ~~said~~ persons. And being unable to find the within named Horace B. Phillips at his usual place of abode, I have, on the day and year aforesaid, executed and served a true copy of the said within process on him, the said Horace B. Phillips, by delivering the same to his wife, Evelyn K. Phillips, whom I found at his usual place of abode, she being above the age of sixteen years, and giving information of its purport to her.

R.E. Nafflek V. Sept
For H.H. Baker's Staff

Tygart Allen Fertilizer Co.

VS) In chancery----

R. Harry Butler and Others----

Commissioner's Notice----

Original ----

of this notice is hereby accepted
and legal service
by me
Walter J. Kirby, Atty.
for The Tygart-Allen Fertilizer
Company, Com-
missioner
W.H. St. John
Guard. ad Litem for
Thomas R. Butler, duly
appointed
R. Butler and Margaret Smith
R. Butler, against defendants,

Tygart-Allen Fer-
tilizer Co.

vs. } In Chy.

Butter & als

Special Report of
Court. under de-
cree of 21st Octo.
1902.

1904 May 4th Filed
A.P. Gomer D.C.

Lucy Butters Estate
 No 2 Halladay Mfg \$6000.00
 " 4 " " 550 -
 " 6 " " 500 -

~~Walter Butcher Jr Estate~~

No
 No 6 Pinner St
 Valued \$900 -

163 43.94	38.22
163 28.75 -	140.00
15.19	178.22
207.23	
222.42	
25.80	
248.22	

167.60

Commissioner's Office.

Suffolk, Va., January 9, 1904
~~January 9, 1903.~~

The ~~Tygart~~-Allen Fertilizer Company, (a corporation)
of Philadelphia, Pennsylvania--- Complainant.

vs.

F. Harry Butler, Rosa A. Pettit, Trustee, Horace D. Phillips, Evelyn
A. Phillips, James Biddick Butler, Lucy Biddick Butler and Margaret
Smith Biddick Butler, the last three named being infants under
the age of twenty-one years--- Defendants.

You are hereby notified that on the 21 day of January,
1904, at my office, in Suffolk, Va., (at which time and place you
are required to attend), I shall investigate, take, state and re-
port to Court on the following inquiries which are to be taken,
investigated, stated and reported to Court in pursuance of the
decree of the Circuit Court of Henric County, Va., rendered
on the 1st day of October, 1902, in the suit in chancery pending
in said Court, to which you are parties, complainant and defen-
dants, to-wit:-

1- An account of all claims against, or debts due to said F.
Harry Butler, secured by liens of deeds of trust, mortgages, or
otherwise, including the judgment in favor of the Complainant,
The ~~Tygart~~-Allen Fertilizer Company, on any real estate, he may
now own, or may have owned at any time heretofore.

2- An account of any real estate, or interest in real estate,
now, or heretofore belonging to said F. Harry Butler, subject to
any lien, mortgage, deed of trust, or other claim.

3- An account of the terms of the deed of Rosa A. Pettit, Trustee
of the said infants, James Biddick Butler, Lucy Biddick But-
ler, and Margaret Smith Biddick Butler, under the deed of trust,
in the bill mentioned, made by said F. Harry Butler to said Rosa
A. Pettit, Trustee, on the 18th day of March 1901, and recorded on
the 25th day of May, 1901, in the office of the clerk of the Coun-
ty Court of Henric County.

4- An account of the present and computed value of said F. Harry

Butler's estate by the curtesy in the sum of \$1305 for which a certain parcel of land, in which he has an estate by the curtesy, was sold on the 26th day of November 1901, as stated in said bill; such value to be ascertained in pursuance of section 2281 of the Code of Virginia.

5- An account of the transactions of said Rosa M. Pettit as guardian of said infants, Holmes Biddick Butler, Lucy Biddick Butler and Margaret Smith Biddick Butler, showing especially the amount of money, if any, received by her, as such guardian, in which said R. Harry Butler is entitled to an estate by the curtesy, and the source from which such money was derived.

6- An account of any matters specially stated deemed pertinent by himself or which any of the parties may require to be so stated.

Given under my hand as Commissioner in Chancery of said Court,
this 9th day of January, 1904.

Lee Britt

Commissioner in Chancery.

6
5.50 Jan 1000
2.00
5.50
5.00 Feb
2.00
90 March

No 6
Rent \$4.00
6 Rooms
No 4

W. L. Brinkley \$6.00
6 Rooms

No 2
Mrs. H. Roberts
Rent \$5.50
5 Rooms
Amount \$11.00

No 6
Rent \$8.00

1866
38

Blue House

Holmes. Riddick Butler, Lucy Riddick Butler and
Margaret Smith Riddick Butler
In Acc. with Rosa M Pettit Guardian

Feb. 1901	Guardian qualified		
1901			
March			
to	Rents received and stated		
July 8	per Sheet 1.	✓	58.50
July 19	Rents received and stated		
to	per Sheet 2 Page 1	✓	109.00
1902			
Jan 14	Am't received M. Lemore per		
" 13	memo.		330.23

Commission scribbled

The Tyges Allen Fertilizer Co.
Suit instituted March 18, 1902

Mrs Lucy L Butler died Feb 6, 1901
Judgment on R.H. Butler docketed June 8, 1897 for \$269.23
with interest from Jan 1, 1895 - costs of \$6.14
R.H. Butler to Rosa M. Pettit Guardian dated March 16, 1901
J.L. W. Lemore Comr paid to R.M. Pettit Guardian \$330.23
Am't from sale of Phelps Lot \$190.50

1902
Jan 14

Rents received per statement by Trustee 488.56

269.23
1.24
57.68
14
429.82

1904	7	1
1895	1	1

9.6

26923
.60

161,5380

Statement of Rosa M Pettit, Guardian,
1902

1904

Jan	~~By the Bal last statement~~	40.77	~~40.25~~
"	Voucher W. Allmond		1.50
"	" " "		1.50
"	" Ballard & Smith		.62
"	" " "		.70
"	" " "		2.56
"	" " "		1.56
"	" " "		.93
"	" " "		.40
"	" " "		.36
"	" " "		.25
"	" " "		.15
"	" " "		.50
"	" " "		.25
"	" " "		1.70
"	" " "		1.60
"	" Mrs E. G. Barber		3.79
"	" " "		2.46
"	" Ballard & Smith		1.09
"	" " "		.25
"	" J. N. Boyett		4.00
"	" Jas. Boyd		2.00
"	" Felix Brinkley		.30
"	" " "		2.38
"	" " "		.33
"	" " "		.20
"	" Emma Barnes (Washing)		.75
"	" " "		1.50
"	" " "		1.50
"	" Berry Brown		3.30
"	" " "		.80
"	" H. J. Bowen & Co		2.00
"	" " "		.50
"	" " "		.50
"	" Leitch Colden		2.50
"	" A. B. Daughtry & Co		.75
"	" Henry Eley		.50
"	" Wm Eley & Mrs		1.25
"	" Edwards & Norfleut		1.90

49.13

49.45

27

Forward				4913
Res. Voucher	Edwards	Norfleet		75
"	"	"	"	106
"	"	"	"	113
"	"	"	"	75
"	"	"	"	95
"	"	"	"	88
"	"	"	"	42
"	"	"	"	45
"	"	"	"	45
"	"	"	"	35
"	"	"	"	113
"	"	"	"	63
"	"	"	"	50
"	"	"	"	70
"	"	"	"	123
"	"	"	"	35
"	"	"	"	35
"	"	"	"	30
"	"	"	"	37
"	"	"	"	141
"	"	"	"	43
"	"	"	"	08
"	"	"	"	25
"	"	"	"	93
"	"	"	"	72
"	"	"	"	291
"	"	"	"	23
"	"	"	"	42
"	"	"	"	74
"	"	"	"	175
"	"	"	"	13
"	"	"	"	111
"	"	"	"	170
"	"	"	"	25
"	"	"	"	155
"	"	"	"	321
"	"	"	"	204
"	"	"	"	358
				8532

Forward				8532
Res. Voucher	Ballard	Smith		75
"	"	Morse	Jr	300
"	"	"	"	60
"	"	Sheddocks		50
"	"	G. Lipman		100
"	"	Louise Hareby		2600
"	"	J O Hill		100
"	"	Washington Knight		650
"	"	N. Lehman		50
"	"	G. Lipman		75
"	"	"	"	25
"	"	Addie Laster		75
"	"	Norfleet & W		260
"	"	Dr Wm Murray		2900
"	"	"	"	450
"	"	People's Shoe Store		100
"	"	"	"	125
"	"	"	"	150
"	"	"	"	250
"	"	"	"	200
"	"	"	"	100
"	"	"	"	125
"	"	O J Parrish		150
"	"	"	"	230
"	"	R. R. Smith		250
"	"	"	"	150
"	"	W Pettich		1800
"	"	"	"	1150
"	"	"	"	1500
"	"	"	"	1100
"	"	"	"	1400
"	"	"	"	4200
"	"	"	"	6950
"	"	"	"	1400
"	"	"	"	1400
"	"	"	"	1400
"	"	"	"	1400
"	"	"	"	1400
"	"	"	"	348
"	"	J. B. Philhower		75
"	"	Lalla Barnes		42255

Toward

42255

Vaucher Lallo Barnes

150

" " "

150

" " "

225

" Mr. Alfred Reddeck

278

" " George "

275

" P. L. Rawles

40

" " "

150

" " "

315

" " "

275

" " "

150

" " "

90

" " "

125

" " "

125

" " "

275

" Miss Mittie Snyder

135

" Ed Small

100

" " "

25

" " "

150

" Virginian & Pilot Pub. Co

100

" S. J. Ellis

1040

" R. D. Bay Ken

2028

" Woodward & Elam

3293

" Mrs Maggie E Wright

75

" Penny Perkins

100

" Leewright

250

" " "

300

" " "

700

" " "

1390

" " "

700

" " "

2100

" " "

400

" " "

500

" " "

500

" " "

500

" " "

500

" " "

700

" " "

3850

" " "

813

" W. Pettit

65127

Forward		651 27
By	Voucher J. L. McLeomore Services	30 00
"	Washing May 28 th to Sept 27 th - 02	11 40
"	" Oct 4/02 to July 4 - 03	30 60
"	" 12 weeks	9 00
"	" 5 months	15 40
"	cutting hair Holmes	20
"	Voucher W. J. Kilby	✓ 10 00
"	" J. B. Pinner	✓ 67 63
"	" H. J. Allmand	✓ 2 00
"	" M. E. Eby & Bros	85
"	" Woodward & Elem	5 00
"	" Grace Thomson	1 75
"	" McLeomore & Corbitt	10 00
"	" H. J. Bowen	62
"	" R. Edward Norfleeth	50
"	" "	90
"	" Ballard Smith	95
"	Washing " weeks	9 25
St.		
To Balance		41 56
"	J. L. McLeomore (sale of property)	330 23
"	Rents	488 56
"	Cash on hand	3 03
		<u>\$ 860 35</u> <u>\$ 860 35</u>

The Tygert-Allen Fertilizer
Company (a Corporation) of
Philadelphia, Pennsylvania,
Complainant.

Against } In Chancery

R. Harry Butler, Rosa M. Pettit,
Trustee, Horace B. Phillips, Eva-
lyn K. Phillips, Holmes Rid-
dick Butler, Lucy Riddick
Butler and Margaret Smith
Riddick Butler, the three last-
named being infants under
the age of twenty one years, De-
fendants.

This Cause, ^{regularly matured and set for hearing at} ^{Rules} came on this day
to be heard on the Complainant's
Bill taken for confessed as
to the adult defendants, R.
Harry Butler, Rosa M. Pettit, Trustee,
Horace B. Phillips and Evelyn
K. Phillips on whom process
has been duly served, they still
failing to appear and plead
answer or demurr to said Bill;
on the three Exhibits marked
respectively A, B, and C, filed
with said Bill; on the joint

and several answers of the infant defendants, Holmes Riddick Butler, Lucy Riddick Butler and Margaret Smith Riddick Butler by Robert W. Withers, a discreet and competent attorney-at-law, their guardian ad litem, appointed at Rules to defend them in this suit, with general replications to said answers; 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, who is hereby directed to take, state and report to Court the following accounts, to wit:

1. An Account of all claims against, or debts due by, said R. Harry Butler, secured by liens of deeds of trust, judgments, or otherwise, including the judgment in favor of the Complainant, the Dygert-CH-

len Fertilizer Company, on any real estate, or interest in real estate, he may now own or may have owned at any time heretofore.

2. An Account of any real estate, or interest in real estate, now or heretofore belonging to said R. Harry Butler, subject to said liens, including its fee-simple and annual values.

3. An Account of the transactions of Rosa M. Pettit, Trustee of the infant defendants, ~~Holmes~~ Riddick Butler, Lucy Riddick Butler, and Margaret Smith Riddick Butler, under the deed of trust, in the Bill mentioned, ^{by said R. Harry Butler for said Rosa M. Pettit,} made, ^{Butler,} on the 16th. day of March 1901 and recorded on the 29th. day of May 1901 in the office of the clerk of the County Court of Chatham County.

4. An Account of the present and commuted value of said R. Harry Butler's ^{estate by the curtesy} in the sum of \$1905 for which a certain parcel of land ^{in which he has an estate by the curtesy,} was sold on the 16th. day

of November 1901, as stated in said Bill; such value to be ascertained in pursuance of section 2281 of the Code of Virginia.

5. An Account of the transactions of said Rosa M. Pettit as guardian of said infants, Holmes Riddick Butler, Lucy Riddick Butler and Margaret Smith Riddick Butler showing especially the amount of money, if any, received by her, as such guardian, in which said R. Harry Butler ~~is~~ is entitled to an estate by the curtesy, and the source from which such money ~~has~~ was derived.

6. An Account of any matters specially stated deemed pertinent by himself or which any of the parties may require to be so stated.

And the court doth further adjudge, order and decree that said Rosa M. Pettit, both as Trustee and guardian aforesaid, render ac-

counts of her transactions before said Commissioner together with all necessary papers and vouchers in her possession, or under her control relating to her said transactions to enable said Commissioner to state her said accounts.

And on the motion of the adult defendants leave is given them to ^{to the complainants Bill} file answers within sixty days from the date hereof.

Tygert-Allen
Fertilizer Co.
vs. { In Chy.

Butler & als.

In the Circuit
Court of Chause-
mond County

October 21, 1902

Decree

To be entered

W. H. R. Huntis

Entered in Chancery
Order Book No 2
Page 467.

Virginia:

At a Circuit Court continued and held for the County of Nansemond at the Courthouse in the Town of Suffolk on Wednesday the 25th day of May, 1904.

The Tygert-Allen Fertilizer Company etc

Vs. In Chancery

Butler and others

This cause came on this day to be again heard on the papers formerly read, and on the Report of Lee Britt, Commissioner in Chancery, filed herein on the 4th day of May 1904 (the same being a Special Report in pursuance of the decree entered herein on the 21st day of October, 1902), and was argued by counsel.

On consideration whereof the Court doth confirm the said Report, to which no exception has been taken, and doth adjudge order and decree that the defendant, Rosa M. Pettit, Trustee of the infant defendants, Holmes Riddick Butler, Lucy Riddick Butler and Margaret Smith Riddick Butler under the deed of trust in the Bill mentioned, made by the defendant, R. Harry Butler, to said Trustee, on the 16th day of March, 1901, for the benefit of said ~~the~~ infants, a copy of which deed is filed with said Bill as "Exhibit B", and that the said Rosa M Pettit, guardian of said infants, do, within the next twenty days from the date hereof, render accounts of her transactions, both as Trustee and Guardian aforesaid, as specified in said decree of 21st day of October, 1902, before said Lee Britt, Commissioner in Chancery aforesaid, and that, in rendering said accounts, she do produce before said Commissioner, all necessary papers and vouchers in her possession, or under her control, relating to her transactions as Trustee and Guardian aforesaid in order to enable said Commissioner to state the said accounts.

And it is ordered that a copy of this order be forthwith served on said Rosa M. Pettit.

A Copy,

Teste:

W. Lawrence DC.

I have served this notice on the within named Rosa M. Pettit, Trustee and Guardian, by delivering a copy hereof in writing, and giving information of its purport to William J. Pettit, husband of said Rosa M. Pettit, being unable to find her at her usual place of abode, and he being a member of her family and above the age of sixteen years, found at said place of abode, in Suffolk in Hansewood County, this 25th day of May 1904

R. E. Torflet Deput
for Alex H. Baker Sheriff of
Hansewood Co Va

The Agent Allen Torflet Co. Va

W J DeChamery.

Butler v. v. v.

Decees 25 May
1904.

Served 25 May
1904 on defend-
ant, Rosa M.
Pettit.

The Tyger-Allen Fertilizer
Company etc.

vs. } In Chancery.

Butler &als

This cause came on this day to be again heard on the papers formerly read, ~~and~~ and on the ~~Special~~ Report of Lee Britt, Commissioner in Chancery, filed herein on the 4th day of May 1904 (the same being a Special Report in pursuance of the decree entered herein on the 21st day of October 1902), and was argued by counsel.

On consideration whereof the Court doth confirm the said Report, to which no exception has been taken, and doth adjudge, order and decree that the defendant, Rosa M. Pettit, Trustee of the infant defendants, Holmes Riddick Butler, Lucy Riddick Butler and Margaret Smith Riddick

Butler, under the deed of trust in the Bill mentioned, made by the defendant, R. Harry Butler, to said Trustee, on the 16th, day of March 1901, for the benefit of said infants, a copy of which deed is filed with said Bill as "Exhibit B," and that the said Rosa M. Pettit, guardian of said infants, do, within the next twenty days from the date hereof, render accounts of her transactions, both as Trustee and guardian aforesaid, as specified in said decree of 21st, day of October 1902, before said Lee, Witt, Commissioner in Chancery aforesaid; and that, in rendering said accounts, she do produce before said Commissioner, all necessary papers and vouchers in her possession, or under her control, relating to her transactions as Trustee and guardian aforesaid, in order to enable said Commissioner to state the said ac-

counts.

And it is ordered that a
copy of this order be forthwith
served on said Rosa M.
Pettit.

Sygert Allen Fer-
tilizer Co.

vs. } In Chy.

Butler &als

In the Circuit
Court for Chause-
mond County.

May 25, 1904

Order

To be entered

Robert R. Smith

Entered in Chancery
Order Book No. 3
page 587.

I have seen this order.

J. L. Moore atty
for defendant.

Whereas, on the 9th day of December 1901, James L. McNamee, Special Commissioner did execute to Evelyn R. Phillips a deed for that certain lot known as the Lucy R. Butler home place, situated on the West side of Franklin Street in the town of Suffolk Virginia, and more fully described in the aforesaid deed which is recorded in Deed Book No. 50 page 537 in the Lancaster County Court Clerk's Office, and to which reference is here made.

And Whereas, in citing the authority for his appointment as Special Commissioner he stated that same was derived from decree entered in the cause of J. C. Harrell et al. v. Butler's Administratrix et al., on the 26th day of November 1901, when the true date of said decree as the same appears upon the records of the Office of the Clerk of the Circuit Court of Lancaster County is October 31st, 1901. And also in the aforesaid deed it was stated that the sale of said property was confirmed by decree of the 7th

day of December 1901. When the true date of said confirmation decree is the 9th day of December 1901, as appears from the records of said Circuit Court Clerk's Office.

And whereas, the said Special Commissioner is desirous that the said deed of December 9th, 1901, should be corrected and made to agree with the papers in the said chancery cause of R. C. Harrell et al. v. Butler's Administrators et al., and the discrepancies in the dates aforesaid removed.

Now Therefore, This Deed, Made this 30th day of December, 1901, by and between James A. Wadmore, Special Commissioner, of Henric County, Virginia, party of the first part and Evelyn R. Phillips of said County and State, party of the second part, Witnesseth:

That for and in consideration of the premises, and in further consideration of the purchase money for said land, the receipt of which was acknowledged in the aforesaid deed of December, 9th, 1901, the

said party of the first part
doth grant and convey unto
the said party of the second
part with special warranty, the
aforesaid lot or parcel of land
known as the Lucy R. Butler
home place, situated on the West
side of Franklin Street and
more particularly described in
said deed of December 9th,
1901, and in the papers of the
chancery cause of Dr. C. Harrell
et al v. Butler's Administratrix
et al.

Witness the following signature
and seal.

James L. McDemore (seal)
Special Commissioner.

State of Virginia }
County of Hanover } To wit:

I, J. Walter Foster a Notary
Public for the county aforesaid,
in the State of Virginia, do
certify that James L. McDemore
Special Commissioner, whose
name is signed to the writ-
ing hereto annexed, bearing date
on the 30th day of December
1901, has acknowledged the
same before me in my county
aforesaid.

Given under my hand this 1st
day of January 1902.
J. Walter Hovis,
S. P.

Virginia:

In the Clerk's Office of Stan-
mond County Court the 3rd day
of January, 1902. This Deed was
presented, and with the certif-
icate annexed, admitted to record.
Teste: J. W. Lawrence, Deputy
for R. R. Smith Clerk.

A Copy:

Teste: R. R. Smith Clerk
By J. M. Lawrence D.C.

Copy made Mch. 24, 1902

Dyger to Allen Fert Co.

vs. J. M. Chy.

Butler & als.

"Exhibit C"
filed with the
Bill

This Deed made this 16th day of March in the year one thousand nine hundred and one, between P. Harry Butler of Lancaster County Virginia, of the first part, and Rosa M. Pettit of said County and State of the second part, Witnesseth. That for and in consideration of the stipulations hereinafter mentioned the said party of the first part does hereby grant and convey with general warranty unto the said party of the second part the following real and personal property, to wit:

First, all of the household goods and effects lately owned by Lucy B. Butler which was purchased by the said party of the first part from the Administratrix consisting among other things of one lounge, two tables, parlor carpet, matting, rugs, hall carpet, hat rack, stairs carpet, two hall chairs, one sofa, three parlor chairs, six pair curtains, one brass table, one side-board, five chairs, three beds and bedding, two wash-stands, one bureau, one rocking chair, one pair portieres, one cooking stove, and utensils, one dining table and cooking table, ten pictures and one sewing

machine, also all such cutlery, crockery and any and all household and kitchen property owned by the said grantor and now in the dwelling house No. 18. Franklin Street, Suffolk, Virginia, occupied by the grantor as a residence.

Second. All of his, the said grantor's interest, of every nature and description, same being as tenant by the courtesy, in and to the real estate of which the said Lucy B. Butler died seized and possessed, wherever same may be located which property consists of the aforeaid house and lot No. 18 on the west side of Franklin Street in Suffolk, Virginia, occupied by the grantor as a residence, lots Nos. 2, 4 and 6 with dwelling houses thereon, on Holladay Street, including one vacant lot adjoining house No. 6, Holladay Street and now under one enclosure with lot No. 6, Holladay Street. All of which interest in said real estate and all of said chattel property is conveyed to said grantee to be held by her in trust for the uses and purposes hereinafter to be mentioned: first, that she take

possession of and control and manage said property collect the rents and income from the same as to her shall seem judicious and proper, and out of the proceeds of same that she pay first the cost and expenses incident to the drawing, execution and recordation of this trust; and secondly, that the aforesaid income, rents and profits be applied by her according to her discretion to the maintenance, support and education of the three infant children of the grantor, namely, Holmes Riddick Butler, Lucy Riddick Butler and Margaret Smith Riddick Butler, until the youngest child shall arrive at the age of twenty-one years, at which time this trust shall cease and determine.

Witness the following signatures and seals.

(seal)
R. H. Butler (seal)

State of Virginia }
County of Hanover } To wit:

I, James S. McDermore a Notary Public for the county aforesaid in the State of Virginia, do certify that R. Harry Butler whose

same is signed to the writing
hereto annexed, bearing date on
the 16th day of March, 1901, has
acknowledged the same before
me in my county aforesaid.

Given under my hand this
16th day of March, 1901.
Jas. L. McDermore
J. O.

Virginia:

In the Clerk's Office of Stan-
mond County Court the 29th
day of May, 1901, this Deed was
presented, and, with the certificate
annexed, admitted to record.

(The amount of one dollar in
revenue stamps affixed and
cancelled.)

Teste: J. M. Lawrence Deputy
for R. R. Smith, Clerk.

A Copy,

Teste: R. R. Smith Clerk

By J. M. Lawrence D.C.

h.o.s

Copy Made Mar. 24. 1902.

Jagert-Allen Fert. Co.

vs. J. M. Chy.

Butler & als.

"Exhibit B"
filed with
the Rec.

Virginia---Clerk's Office of the Circuit Court of Nansemond County.

Clerk's Office of the
In the Circuit Court of the County of Nansemond, ~~at~~ ^{on} the *8th* day of *June* Term, 1897

The Pygert - Allen Fertilizer Company
(a Corporation) of Philadelphia
Pennsylvania

Plaintiff

Action of

Debt

AGAINST

R Narry Butler

Defendant

Judgment in favor of the Plaintiff... against the Defendant... for the sum of

Two hundred and Sixty nine dollars
and twenty three cents

\$ *269.23*

With interest after the rate of six per centum per annum from *the first*
day of January 1895

Costs
clerk - 2.64
Fax - 1.00
atty 2.50
\$6.14

Charges of Protest, \$

And the cost of suit, \$ *6.14*

until paid.

A FIERI FACIAS issued from the Clerk's office of said Circuit Court on the *8th*
day of *June* 1897, returnable to the *First Monday in August 1897*

directed to the Sheriff of the County of Nansemond, who hath made return thereon in the words and
figures following, to wit: *I can find no property to satisfy the within*

execution nor any part thereof

July 19th 1897

A H Baker Sheriff

Teste:

C N Caughey, p. q.
Confessed in office

A B Gomer

CLERK.

This Judgment was duly docketed in the Clerk's office of the County Court of the County of
Nansemond on the *8th* day of *June*, 1897

Judgment Docket No. *2*, Page *129*

R R Smith

CLERK.

Tygert Allen Fert. Co.

vs. { Abstract of Judgment.

R. Harry Butler

*Exhibit A filed
with the Bill*

Nansemond Circuit Court.

Process Book No. 2 Page 97

Order Book No. 2 Page 312

June 8th Term, 1897

Execution Book No. 1 Page 208

Judgment Docket No. Page

County Court.

Virginia:

Circuit Court for the County of
Chaucesmond, to wit

The Pygert-Allen Fertilizer
Company (a corporation) etc. Complainant

Against } In Chancery.

R. Harry Butler, Rosa M. Pettit,
Trustee, and others. Defendants

The joint and several answers of
Holmes Riddick Butler, Lucy Riddick
Butler and Margaret Smith Riddick
Butler, by Robert W. Withers, Attorney-at-
law, their guardian ad litem, ap-
pointed to defend them in this suit, to
the Bill of the Complainant, exhibited a-
gainst them and others in the Circuit
Court for the County of Chaucesmond, by
the The Pygert-Allen Fertilizer Company
(a corporation) of Philadelphia, Pennsyl-
vania. Complainant.

These Respondents, reserving to them-
selves the benefit of all just exceptions
to said Bill, for answer thereto, by their
said Guardian ad litem, answer and
say:

That they are infants of tender years and
by reason of their infancy are incapable of
understanding, or taking care of their rights
and interests. They, therefore, by their said guard-

Dyer & Allen Fert. Co.

vs. In Chy.

Butler & Co.

Answer of infant
defendants by their
guardian ad litem

^{ian}
Commit themselves and their rights and in-
terests to the protection of the Court and pray
that no decree may be pronounced which will
tend to their prejudice, or be against their in-
terests in this suit.

And having fully answered, these Respond-
ents pray hence to be dismissed with their
reasonable costs in this behalf expended.

And they will ever pray etc.

Holmes Riddick Butler
Lucy Riddick Butler
Margaret Smith Riddick Butler

by
Ralph H. Hitters
their guardian ad litem,

Virginia:

Circuit Court for the County
of Chausemond, to wit,

The Tygert-Allen Fertilizer
Company (a corporation) of
Philadelphia, Pennsylvania Complainant

Against } In Chancery

R. Harry Butler, Rosa M. Pettit,
Trustee, Horace B. Phillips, Eva-
lyn K. Phillips, Holmes Riddick
Butler, Lucy Riddick Butler and
Margaret Smith Riddick Butler,
the three last-named being in-
fants under the age of twenty-
one years. Defendants.

To Honorable Robert R. Prentiss,
Judge of the Circuit Court for
the County of Chausemond;

Humbly complaining respect-
fully represents and shows un-
to Your Honor, Your Complainant,
the The Tygert-Allen Fertilizer Com-
pany (a corporation) of Philadelphia,
Pennsylvania, the following case:

That Lucy B. Butler, the wife
of R. Harry Butler, of the Town of
Suffolk in said County, departed
this life intestate on the sixth

day of February 1901 leaving surviving her, her husband, R. Harry Butler and three infant children under the age of fourteen years, namely: Holmes Riddick Butler, Lucy Riddick Butler, and Margaret Smith Riddick Butler.

That the said Lucy C. Butler died seised and possessed of the following real estate, to wit:

1. A lot or parcel of land cts. 18 with dwelling thereon, situated on the West side of Franklin Street in said Town and bounded on the North by the lot of Horace B. Phillips or his wife, Evelyn K. Phillips; on the East by said Franklin Street; on the South by the lot of Ernest L. Folk; and on the West by the lot of Mary Ida Eley, wife of William Walter Eley, - which lot cts. 18 fronts on said Street forty-five (45) feet and runs back westward between parallel lines about one hundred feet.

2. Three lots numbered respectively two, four and six with a dwelling on each of them, and also a vacant lot on the North side of, and enclosed with, said lot cts. six, all

adjoining one another and situated on the West side of Holladay Street in said Town.

3. A one-fourth undivided interest in a lot, with dwelling thereon, numbered 6 situated on the West side of Primer Street in said Town and known as the "Clarke Cottage", having a front of about sixty (60) feet on said Primer Street and running back westward from the last named Street one hundred and fifty-four (154) feet, and bounded on the North by the lot of John Robert Riddick's estate; on the East, by said Primer Street; on the South by the lots of Claud W. Wright and Rosa M. Pettit; and on the west by the lots of Maggie E. Wright and Thomas W. Smith.

That on the 8th. day of June 1897 Your Complainant recovered a judgment against said R. Harry Butler, by his confession in the office of the clerk of the said Circuit Court, for the sum of two hundred and sixty-nine dollars and twenty-three cents with interest thereon from the first day of January 1895 till paid and \$6.¹⁴ costs, - which judgment was docketed on the day of its recovery

in the office of the clerk of the County-Court for said County, as will appear by an Abstract of said judgment and the statement of the clerk of said County-Court at the foot thereof, herewith filed as part of this Bill and marked "Exhibit A".

Your Complainant charges that upon the death of said Lucy C. Butler, her husband, said R. Harry Butler, became immediately seised and possessed of an estate by the curtesy consummate, - to an estate for life - in all the said lots or parcels of real estate of which she died seised and possessed, and that its said judgment immediately became a lien upon said estate by the curtesy, or life estate, of said R. Harry Butler in said real estate.

Your Complainant further charges that no part of said judgment has ever been paid; that the rents and profits of said real estate will not satisfy said judgment in five years; and that it has the right in equity to enforce the lien of said judgment against said R. Harry Butler's estate in said real estate and to subject his said

estate to the satisfaction of its said judgment.

Your Complainant further represents and says that by a deed dated the 16th. day of March 1901 and recorded the 29th. day of May 1901 in the office of the clerk of said County-Court, the said R. Harry Butler conveyed all his said estate by the curtesy, or estate for his own life, in all said real estate to Rosa M. Pettit to be held by her in trust for the uses and purposes in such deed mentioned to the effect that she should collect the rents and profits from said real estate and apply the same to the maintenance, support and education of said infant children of said R. Harry Butler and Lucy C. Butler until the youngest one of them shall arrive at the age of twenty-one years, at which time the trust created by said deed shall cease and determine, - all of which will appear by a duly authenticated copy of said Deed herewith filed as part of this Bill and marked "Exhibit B."

Your Complainant ^{further} charges that said deed could not and did

not affect the lien of its said judgment upon said R. Harry Butler's estate by the curtesy, or estate for his own life, in said real estate, and that such deed operated simply to convey said R. Harry Butler's said estate to said Rosa M. Pettit, Trustee for the benefit of said infant children, subject to the lien of said judgment, - which judgment may, and should, be enforced against said R. Harry Butler's said estate, and such last-mentioned estate may, and should, be subjected to the payment and satisfaction of said judgment notwithstanding the execution of said deed, inasmuch as the said judgment had become a lien on said R. Harry Butler's said estate thirty-eight days before said deed was made and nearly four months before such deed was admitted to record as aforesaid.

Your Complainant further represents and says that by a deed of trust dated the 23d. day of October 1899 and recorded the 11th. day of November 1899, the said Lucy C. Butler (called in such deed, Lucy R. Butler), and said R. Harry Butler, her husband, to

secure to ct. Lula Pope the payment of six hundred and fifty dollars, conveyed to James L. McLeamore, Trustee, all the first above-described lot or parcel of land No. 18 on the West side of said Franklin Street in said Town.

That on the 6th. day of March 1901 a suit in equity was instituted in said Circuit Court by W. C. Harrell and the Bank of Suffolk, creditors of said Lucy C. Butler, suing for the benefit of themselves and all of her other creditors, against Rosa M. Pettit Administratrix of said said Lucy C. Butler, R. Harry Butler, Holmes Riddick Butler, Lucy Riddick Butler and Margaret Smith Riddick Butler, having for its object the administration of said Lucy C. Butler's estate and the subject-ion of such estate to the payment of her debts.

That in the course of proceedings had in said suit, said parcel of real estate, mentioned in said deed of trust, was sold on the 26th. day of November 1901 to Evelyn K. Phillips, wife of Horace B. Phillips, for \$1905. and that in pursuance of further proceedings in

~~in~~ said suit, said sum of \$1905.
was paid out and disbursed as
follows:

Costs of suit and expenses of sale	\$116.72
Balance of said debt due to said Ch. Lula Pope.	468.12
To sundry general and unsecured creditors of said Lucy C. Butler	934.93
To Blackwell Stith, Admr. of L. A. Stith in settlement of a debt due said L. A. Stith by said R. Harry Butler.	55.
To Rosa M. Pettit, Guardian of said infant children.	330.23
Total	\$1905.00

Your Complainant further charges
that the disbursement of said money
as aforesaid was erroneous except
as to the payment of said costs, ex-
penses and debt due to said Ch. Lula
Pope, in that, after the disbursements
for these purposes, the commuted
value of said R. Harry Butler's es-
tate by the curtesy in the balance
of said money, then remaining, was
not ascertained and applied to
the payment and satisfaction of
said judgment in favor of Your
Complainant before the payment of
any of said money to said general
and unsecured creditors of said Lu-
cy C. Butler and said sum of \$330.23,

or any part thereof, to said Rosa M. Pettit, guardian of said infant children.

That in the distribution of said money, the present and commuted value of said R. Harry Butler's estate by the curtesy should have been ascertained and so much thereof as might have been necessary, applied to the payment and satisfaction of Your Complainant's said judgment before the application of any part thereof to the payment of the unsecured claims of said Lucy C. Butler's general creditors, and the payment of said sum of \$330.²³ to said Rosa M. Pettit.

That the said Rosa M. Pettit should be required to pay said sum of \$330.²³ to Your Complainant on account of its said judgment.

That a copy of the deed from James L. McLeMORE, Special Commissioner, conveying to said Evelyn K. Phillips the real estate sold to her as aforesaid, is herewith filed as part of this Bill and marked Exhibit C.

Your Complainant further charges that it has always been, and is

now, resident in the city of Philadelphia in the State of Pennsylvania and, having in no manner been made a party to said suit, it had no knowledge whatever of said suit until after all said money had been disbursed as aforesaid.

Your Complainant further represents and says that its said judgment became a lien on the 6th day of February 1901 on said R. Harry Butler's estate by the entry in said real estate sold as aforesaid, and that said suit was instituted on the 6th day of March 1901, nearly a month after said lien had taken effect.

And Your Complainant gives notice, ^{that} it will apply for such decree or order as may be proper, for the allowance to its counsel of a reasonable fee or compensation to be paid out of the money or property under the control of the court in this suit.

In consideration whereof Your Complainant, being without remedy save in a Court of Equity where such matters are properly cognizable, prays that said R. Harry Butler, Rosa M. Pettit, Trustee, Horace B. Phillips, Ex-

alyn K. Phillips, Holmes Riddick
Butler, Lucy Riddick Butler and
Margaret Smith Riddick Butler,
the three last-named being in-
fants under the age of twenty-one
years, be made parties defendant to
this Bill and be required to an-
swer the same, the adults in their
own proper persons and the infants
by their guardian ad litem to
be appointed to defend them in
this suit, but answers on oath are
hereby waived; that an account
may be taken and reported to Court
of all claims against, or debts due
by, said R. Harry Butler secured
by liens of deeds of trust, judg-
ments, or otherwise, including
said judgment in favor of Your
Complainant, or said real estate
or on ^{R. Harry Butler's} ~~said~~ interest therein, or on any oth-
er real estate he may now own,
or may have at any time hereto-
fore owned; that an account
of said R. Harry Butler's real
estate, or interest in real estate,
subject to said liens, including
its fee-simple and annual val-
ues, may also be taken and re-
ported to Court; that the rents and
profits of said R. Harry Butler's inter-
est in said real estate, may be

applied to the satisfaction of Your Complainant's said judgment; that if such rents and profits should not be sufficient to satisfy said judgment in five years, the said R. Harry Butler's interest in said real estate be sold and the proceeds of the sale be applied to the discharge of said judgment; that said Rosa M. Pettit, Guardian as aforesaid, be required to pay said sum of \$330²³ to Your Complainant on account of its said judgment, which sum of \$330²³ represents in part said R. Harry Butler's estate by the curtesy in said parcel of real estate sold as aforesaid to said Evelyn K. Phillips, is subject to the lien of said judgment, and was wrongfully and erroneously paid to said Rosa M. Pettit, as guardian aforesaid; that the present or commuted value of said R. Harry Butler's curtesy in the proceeds of said sale of said real estate to said Evelyn K. Phillips, namely, in said sum of \$1905, may be ascertained and reported to Court; that such fee or compensation as may be reasonable may be allowed and paid to Your Complainant's counsel; that proper pro-

cess may issue and all proper orders and decrees may be made and inquiries directed; and that all such other further and general relief may be granted Your Complainant as the nature of its case may require, or to equity shall seem proper.

And, as in duty bound, Your Complainant will ever pray etc.

The Tygent-Allen Fertilizer Com-
pany, (a corporation).
By Wilbur J. Kilby, its Counsel.

18 March 1902

Tygert-Allen Tent. Leo.

vs. } In Chy.

Butler & als

Bill

Filed April 7th 1902

The Tugert-Allen Fert Co
vs In Chancery
R Harry Butler

1902 April 1st. Process issued returnable
to April Rules 1st Monday

" " 7th Process returned executed
on adult defendants
Robert M Withers apptd
guardian ad litem
Bill filed and decree nisi
against adult defendants
Answer of Infant defendants
filed.

" " 21st. Decree nisi Confirmed
and cause set for hearing.

and J. J. Gert - Vice
Fertilizer Company
W. In Chancery
R. N. Butterworths

1909
July 16th
Final Decree

J. Allen Felt vs R. N. Butterworths

Costs
and including
July 5th 1904

Clerk 6.66

Shff 4.00

Fay 1.50

Qty 15.00

\$ 27.16