

1876 -13

Southampton County Chancery -

Stevens, R. H. etals vs Butler, Milton D.

Bankruptcy

Cary, James
Maupin, Logan W.
Washington, Benjamin J.
Atkinson, Thomas
Thomas, James
Adams, John
Atkinson, G. R.
Leigh + Brother
E. G. Tabb + Co -

Butler, Mary P.
Nelson, Robert A.

R. H. Stevens & Co. ¹⁸⁷¹

v. } In Chancery

Mr. D. Butler & Co.

Complainant's Bill

1871 February Rules

To the Honorable George Blou Judge of the
Circuit Court of the County of Southampton,
in Chancery sitting. Humbly complaining
sheweth to the Court your Complainants
R. H. Stevens, James Carey, Logan W. McQuinn,
Benjamin G. Washington, Executor of
Thomas Robinson, James Thomas, John
E. Adams and G. R. Atkinson late Merchants
& Partners under the style Thomas, Adams & Co.
Tucker & Smith, James G. Leigh & William
Roscoe ^{De. & Co.} late Partners under the style of
Leigh & Brother, E. J. Tabb, E. W. More, E. Griffith
late Merchants & Partners under the style of
E. J. Tabb & Co. suing on their own behalf
and that of all other Creditors of Milton D.
Butter having Judgment or other Liens on
his real estate, that your aforesaid Complainants
are all Judgment Creditors of the said
Milton D. Butter and Robert A. Nelson, having
Judgment Liens on their real estate as will
appear by their respective Judgments herein
after described, and Official Copies of the
same are here with filed

^{1st}
Judgment of the said Leigh & Brother vs. said M. D. Butter
in the C Court of said County of day
of 186 for \$ with interest from
the day of 186 and \$ costs.
^{2nd}
Judgment of the said R. H. Stevens vs. said M. D.

Butter of March the 16th 1869 in the County Court of said County for \$167⁴²/₁₀₀ with interest from May the 28th 1867 and costs \$6⁴⁶/₁₀₀ docketed January the 7th 1870

3^d

Judgment of the said Thomas Adams vs said M.D. Butter in said Court of the same date for \$841¹⁵/₁₀₀ with interest from March 26th 1858 subject to the credits recited in said Judgment \$6⁸⁵/₁₀₀ costs. Docketed May the 7th 1869.

4th

Judgment of the said B.G. Washington Executor of Thomas Atkinson in Circuit Court of said County of May Term 1869 vs. said Robert A. Nelson & M.D. Butter for \$76⁵⁵/₁₀₀ with interest from December 9th 1867. and \$6²⁴/₁₀₀ costs, Docketed May the 12th 1869.

5th

Judgment of Tucker & Smith in the Circuit Court of said County of November Term 1869 vs. the said M.D. Butter for \$117⁹⁶/₁₀₀ with interest from July 11th 1867 and costs \$6⁹⁰/₁₀₀ docketed January 5th 1870.

6th

Judgment of the said James Carey vs said M.D. Butter in the Circuit Court of said County of May Term 1870 for \$153⁵⁰/₁₀₀ with interest from 24th of November 1869 and costs \$7⁵⁰/₁₀₀ docketed May 21st 1870.

7th

Judgment of the said Logan H. Meapin in the Circuit Court of said County of May Term 1870 vs. the said M.D. Butter for \$724⁵⁰/₁₀₀ with interest

on $\$241^{\frac{33}{100}}$ part thereof from May the 25th 1868.
on $\$241^{\frac{33}{100}}$ another part thereof from August 28th 1868
and on $\$241^{\frac{34}{100}}$ the residue from September 28th
1868 and costs $\$600$. Docketed May 21st 1870.

8th

Judgment of Ed. Fabbro vs. M. D. Butler obtained on
the day of August 1870 in the County Court
of said County for $\$241^{\frac{34}{100}}$ with interest from the
14th day of May 1869 and $\$7^{\frac{1}{100}}$ costs. Docketed August
24th 1870.

Exhibit
A

Official copies of said Judgments, with certificates
of the dates on which they were respectively docketed
marked A are herewith filed and prayed to be
taken as a part of this Bill.

9th

All of said Judgments are still wholly due
and unpaid

10th

Executions on the aforesaid Judgments nos. 1-25-
88th were issued and levied on
chattel property of the said M. D. Butler,
which was restored by the Sheriff without
the instructions of the said Plaintiffs to the
said Defendant M. D. Butler without sale in
consequence of his claiming the "Homestead
Exemption"; copies of said executions and of
the returns thereon marked B are herewith
filed and prayed to be taken as a part
of this Bill.

Exhibit
B

11th

Your complaints are informed and so charged,
that the said executions are still subsisting

liens on the chattel property on which they were levied now owned by the said Defendant, and on all the other chattel then owned and now owned by him subject to levy and on all choses in action then due the Defendant, still not reduced into possession.

12th

Your Complainants are informed and so charge that the said Judgments are liens in their respective order on all the real estate then owned, or since acquired by ^{the said M. D. Butler} lying ^{to wit} on the following tracts of land lying in the County of Southampton: one tract of 150 acres on "Round Hill" — one tract of 92 $\frac{3}{4}$ acres on "Lightwood" — one tract of 50 acres on "Blk. Creek" — one tract of 30 acres on "Lightwood" — one tract of 83 acres on "Lightwood"; of all of which land the said M. D. Butler is seized in fee simple except the last named tract, to which he is entitled during the coverture with his life Mary P. — it being her dower in the estate of her former husband. And that by virtue of said Judgment liens your Complainants are entitled to have the ^{said} lands sold, if the said liens cannot be discharged out of the rents and profits of said lands

R. H. Stevens & Co. ¹²⁴

v. } In Chancery

M. D. Butler & Co.

Complainant's Bill

1871 February Rules

in Five Years, which your complainants
allege cannot be done: In tender consid-
eration whereof, and for as much as
your complainants are without remedy
at law, and can only be relieved by the
aid of this Honorable Court of Chancery
where matters of this sort are cognizable,
to this end your complainants pray
that the said Melton D. Butler and
Mary P. - his Wife and Robert A. Nelson
may be made parties defendant to this
Bill and be required to answer the
same, that an account may be taken
of the chattel estate aforesaid liable for
the said executions and the same
applied in the discharge thereof;
and of the annual and fee simple
value of the said real estate of the said
Melton D. Butler, and of the said Robert
A. Nelson, if any the latter has, and in default
of the said chattel property, that the
rents & profits of the said lands for ~~five~~
years if sufficient for that purpose
may be applied to the discharge of
said Judgments in the order of their
respective liens, and if the said
rents & profits are not sufficient for
that purpose that said lands may be

sold for the satisfaction of said Judgments,
and that such other and further
relief may be granted in the premises
as to the Court may seem meet, and
may suit the Equity of the case, and
Your Complainants will pray &c.

Kindred & Hayden Jrs.

M. D. Butler

In clark



In the District Court of the United States,

For the Eastern District of Virginia.

In the Matter of

Milton D. Butler
Bankrupt

In Bankruptcy

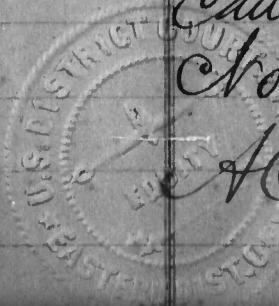
It appearing to the Court that proceedings in the County Court of Southampton County Virginia (a state Court) had been commenced to enforce various judgments liens as against the Real estate of said bankrupt, before the filing of his petition in Bankruptcy and that the said judgment liens exceed the assets of said bankrupt, so that neither the assignee has nor the general creditors of said bankrupt have any interest therein and that the bankrupt is not under the circumstances entitled to the increased or homestead exemption out of said assets therefore it is ordered that the bankrupt's application for said increased exemption be and the same is hereby denied and ordered that the restraining order issued in this cause be rescinded

Nov 19th 1873.

John W. Underwood
Clerk

Attest
Henry G. Gable

Chas. T. Dwyer



Stevens & abs

to } Stat. Rules

Butler & wife &

In Southampton Circuit Court.

R. H. Stevens, James Carey Logan W. Maupin, Benjamin B. Washington Executors of Thomas Atkinson, James Thomas John E. Adams & G. R. Atkinson late merchants & Partners under the style Thomas, Adams & Co. Tucker & Smith, James Y. Leigh & William Roscoe Leigh late partners under the style of Leigh & Brother, E. P. Tabb, E. W. More & J. Griffith late merchants & Partners under the style of E. P. Tabb & Co. suing on their own behalf and that of all other creditors of Milton D. Butler having judgment or other liens on his real estate,
against

Milton D. Butler and Mary P. his wife & Robert A. Nelson

1871 Jan. 17 Summons issued returnable to February Rules

" Feby R. Sum. Ret. Executed on Butler & wife R. A. Nelson not a resident
Bill filed D. Nisi v Dft. Butler & wife. another Sum. awarded to
Dft. Nelson

" Mar R. Bill taken for Confessed v Dft. Butler & wife another process awarded
to Dft. Nelson.

" Apr. " Sum. v Dft. Nelson ret. Executed D. Nisi v him Cause set for
hearing as to Dft. Butler & wife

" May R. Bill taken for Confessed v Dft. Nelson & Cause set for hearing as
to him all the Dfts & P

" T. Decree for account

" Sep. 27 Report

" Nov. T. Decree for Sale &c

1874 Feby. Report of C. B. N. & Decree to Collect

1876 May. Rept. & removed from the Docket

1871 Nov

Clk	\$15.27
Skf	3.00
Com Tyler	12.00
Law P	51.10
	\$ 81.27

1874 Feby.

Clk	\$3.60
Retain for future Clk's Cash	_____

Steven. et al

P

M. D. Butler et al

Rough Notes
October Term 1874
As the entered

George D.

Stevens v. Als
p

M. D. Butler v. Als

This cause this day came on to the again heard on the Papers formerly read, out the report of collection & payment of sum of \$1000 under the decree therein of Feb'y term 1874 on the petition of W. H. Holmes was argued by counsel, on consideration whereof the court confirming said report to which no exceptions were filed, doth as judge order & decree that on the payment in full by the said W. H. Holmes of the bond in said petition & decree of Feb'y term 1874 mentioned, given by M. D. Butler with said W. H. Holmes as surety for the payment of the land in these proceedings mentioned, that L. B. Heywood who is hereby appointed special commissioner for that purpose execute & deliver to the said W. H. Holmes good and sufficient deed for the tract of land in the said decree of Feb'y term 1874 named, with conditions as therein declared, subject to the expectations of dower therein of Mary S. Butler wife of said M. D. Butler

Know all men by these Presents: that whereas
J. M. W. Butler of the county of Southampton
in the State of Virginia, on the 16th day of
December 1862 at a decretal sale made in the
suit of Henry et al v M. W. Butler et al, bid
off the lands in the proceedings of said suit
mentioned and with W. H. Holmes as my
surety executed bonds for the purchase
money of said lands in accordance with the
terms of the decree in said suit under which
the said sale was made, and whereas there has
been a decree in said suit for the collection
of said bonds, and whereas I have been
unable to comply with the terms of sale, by
the payment of said bonds, and at my request
my said surety William H. Holmes has paid
said purchase bonds in part, and has agreed
to pay the said purchase bonds in full; Now I,
the said M. W. Butler in consideration thereof
and on condition that the said William H. Holmes
pay off the said bonds in full, do hereby
grant all my interest in said lands, to the said
William H. Holmes and do hereby consent and
authorize the execution to the said William H.
Holmes of a deed for said land on the payment
in full of said purchase bonds in the same
manner and on the same terms and conditions
as the said deed would have been executed to
me had I complied with the terms of sale.

In testimony whereof I have hereunto set
my hand and affixed my seal, the 30th
day of October A.D. 1874

M. D. Butler Seal

Southampton County to wit:

L. F. Prellow

a Justice of the Peace for the county aforesaid
in the state of Virginia do certify that M.
D. Butler whose name is signed to the
writing hereunto annexed, bearing date on
the 20th day of October 1874, has acknowledged
the same before me in my said county
Gives under my hand this 2nd day of
October 1874

L. F. Prellow J.P.

Mr. M. D. Butler
transferred to
Mr. M. D. Butler

W. H. Holmes

&

M. D. Butler,

Irr Va Octo 24th 1874

Chief J. R. Kiley of
Suffolk Va

Gentlemen, Enclosed please
find a petition which I send you by
instructions from Mr. C. B. Hayden and
suppose he has written you in regard
to it, It is to be laid before the South-
ampton Circuit Court on Monday

Respectfully Yours

W. H. Holmes

Stevens, &c
as
M. de. Butler }

Agreement making
Statutory provision
requiring property
to sell for three fourths
of its assessed value

we hereby waive the Statutory Provision
requiring that real estate when sold under
decree of Court to pay Judgments &c. shall
sell for three fourths of the appraised value
in the case of Stephens &c. v. Milton &
Butter sale. We recommend the Confirmation
of the sale by C. B. Hayden and of said
Butters Home tract for fifteen hundred
dollars.

1872 Dec. 16th.

John R. Kilby atty for
E. D. Tatt H^r &
Jas Cary.

C B Hayden Atty for
Leigh & Bro.

Thomas Adams & Co -

R H Stevens -

Stevens

M. O. Buller

Rough Cleaner

May Term 1876

To be entered -

Geo. B. Low

R. H. Stevens et al

vs

Milton W Bullard et al.

This cause this day came on to be again heard on the papers formerly read & on the final report of collection & payments of Commissioner C B Hayden under the decrees herein of February & October Terms 1874, was argued by counsel, on consideration whereof the court confirming said report, to which no exceptions were filed, doth adjudge order & decree that this cause be removed from the docket, nothing further remaining to be done herein —

State of Virginia

Isle of Wight County. to wit:

J. K. K. Chapman

a Notary Public for the County aforesaid in
the State of Virginia do certify that John E. Adams
whose Name is signed to the writing hereunto an-
nexed bearing date on the 14th day of December 1872
acknowledged the same before me in my said
County.

Given under my hand this 14th day of
December 1872 -

J. K. K. Chapman
Notary Public

Know all men by these presents that I John E
Adams of the County of Isle of Wight in the State
of Virginia do hereby constitute and appoint
L R Edwards of the County of Southampton in
said State my true & lawful attorney for me & in
my name as surety for C B Hayden to sign, & deliver
in the Clerk's office of the Circuit Court of Southampton
the Bond in a penalty of Fifteen Hundred
Dollars required to be executed by the said
C B Hayden as Special Commissioner of Sale
under the decree of said Court at the November
term 1871 in the Chancery suit of R H Stevens & others
vs M & Butler & others ~~conditional~~ for the
faithful performance of his duties as commissioner
in and under said decree or any future decree in
said suit, & to do all things necessary & proper
in the execution of said Bond in the same manner
as if I were personally present.

In testimony whereof I the said John E Adams
have hereunto set my hand & seal this Fourteenth
day of December Eighteen Hundred and
Seventy Two -

John E Adams (Seal)

Stevens

50 40

as

Butler

Commissions

Bond

Know all men by these presents that we
C B Hayden and Geo E Adams are held and firmly
bound unto the Commonwealth of Virginia in
the sum of Fifteen Hundred Dollars, to the pay-
ment whereof, well & truly to be made, we bind
ourselves, our heirs, executors, & administrators, jointly
& severally, firmly by these presents. As witness our
hands & seals this 14th day of December 1872.

The condition of the above obligation is such,
that whereas a decree of the Circuit Court
of Southampton County made at the Novem-
ber Term 1871, in the chancery suit of R H
Stevens & others Plaintiffs, M D Butler & others
Defendants, the said C B Hayden was ap-
pointed a special commissioner to sell the
land in said decree mentioned owned by
said M D Butler; Now if the said C B Hayden
shall faithfully discharge his duties as commis-
sioner under the said decree, or any future
decree in said suit, then the above obligation
to be void, otherwise to remain in full force &
virtue

C. B. Hayden Seal
Geo E Adams by Seal
L R Edwards his atty }

Stepens

2 } Com. Bond ✓

Butler Jr

are held and firmly bound unto the
Commonwealth of Virginia in the just and full sum of fifteen hundred
dollars, to the payment whereof well and truly to be made to the said Com-
monwealth we bind ourselves, our heirs, executors and administrators jointly
and severally firmly by these presents, Sealed with our Seals and dated
the day of A D 187

The Condition of the above obligation is such that whereas by a decree of the Circuit Court of Southampton County rendered on the 8th day of November 1871, in a suit therein pending between R. H. Shivers & M. D. Butler wife & the above bound C. W. Hayden was appointed Special Commissioner to sell certain real estate therein described. - Now if the said C. W. Hayden shall faithfully discharge the duties of his said office under the said decree for any further decree which may be rendered in the said cause or trust according to law, then the above obligation to be void or else to remain in full force and virtue.

Deal

G. W. Vick personally appeared before me Jas
A. Tyler a Commissioner in Chancery and made
oath that he did deliver Me & Butler & wife a
true copy of this summons. A. A. Nelson not a
resident of this County July 2nd 1871

Jamuel Tyler Comm^r in
Chancery

Steward Jas
to
J. J. Jones Ch

Butler & Vick &
1871 February Rules

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you to summon

Robert A. Nelson

M D Butler & Mary J. his wife

if *they* be found within your bailiwick, to appear at the Clerk's Office of our *Circuit* Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *February next to answer a bill in Chancery exhibited against them in our said Court by R. H. Stevens, James Carey, Logan W. Maupin & others* *coming on their own behalf & that of all other creditors of said M D Butler claiming judgment or other liens on his real estate*

And have then there this writ.
Courthouse, this *17* day of
the Commonwealth.

Witness, OSWIN WHITE, Clerk of our said Court, at the

A. D., 1871, in the *95* year of

O. White *bb*

PRACTICING IN
Isle of Wight, Nansemond,
Surry and Southampton Counties;
United States
Circuit and District Courts for the
District of Virginia.

C. B. HAYDEN,
Attorney at Law,
Smithfield, Isle of Wight County, Va.

February 1st 1876.

The clerk of the Circuit Ct. of Southampton
Will please find
enclosed Bill due at February
Rules in Stevens v. W. M. D. Butler
v. s., in which he will please
fill the blank with the name of
M. D. Butler's wife, and make a
copy of the Judgment of Leigh
& Brother v. Butler on the same
sheet with the Exhibit of the
other Judgments; also copy of the
executions & returns on all the
Judgments v. M. D. Butler on
which executions have issued.

Respectfully
C. B. Hayden

PRACTICING IN
Isle of Wight, Nansemond,
Surry and Southampton Counties;
United States
Circuit and District Courts for the
District of Virginia.

C. B. HAYDEN,
Attorney at Law,
Smithfield, Isle of Wight County, Va.

Oct 23^d 1874

John R. Kilby Esq
Dear Sir

I send
herewith my report of collection
payment to date in Henry
M D Butler, showing the pay-
ment of the first bond by W
H Holmes; the petition of W H
Holmes praying for deed to the
made, this, and to the accom-
panied by deed of agreement
from M D Butler consenting to
such deed to Holmes, which it
is expected that Butler will hand
you, & a decree confirming the
report & directing the deed to
Holmes. All your vice please have
entered & Higness Respectly
C B Hayden per R B

Sheriff's Endorsement & Return: Came to hand February 24 1870
at 3 O'clock P.M. - BW Vick Dr. Shff

Seized on the following property. 40 bbls Corn. 10 head cattle. one
Top. buggy & one spring wagon harness. one Road Wagon, 2 mules
household kitchen furniture - W.W. Briggs Shff.

Rec^d of W.W. Briggs Deputy Shff twelve dollars in part of within -
Feb 24. 1871 - In. & kindred atts for plaintiffs

Seized & ordered to be returned - W.W. Briggs Shff.

Attest Jester White & Co

Stems }
Ex: with bill }
Butler

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command you that of the Goods and Chattels of *M D Butler*

late of your bailiwick, you cause to be made *One hundred Seventeen Dollars ninety Six cents*
with legal interest thereon from *July 11. 1867* till paid which *Wesley A Tucker &*
Henry C Smith merchants partners trading under the firm style of *Tucker &*
Smith

lately in our *Circuit* Court of Southampton County have recovered against *him* as well
for a certain debt as for interest thereon, also the sum of *Seven* Dollars and *48*
Cents, which to the said *Tucker & Smith*
in the same Court were adjudged for *him*

Butler is costs in that suit expended, whereof the said
convict as appears to us of record; and how
you shall have executed this writ make known at the Clerk's Office of our said Court, at the rules to be holden for
said Court on the first Monday in *March* next, and have then there this writ

Witness, *John White*
~~JAMES R. TYLER~~, Clerk of our said Court, at the Court-House, this *7*
day of *February* 187*0*, in the *94* year of the Commonwealth. *John White*

Sheriff's Return of - "Came to hand Aug 22" 1870. At 10 O'clock AM
W W Briggs Shff

Seized on the following property. 40 bbls Corn. 10 head cattle. 1 Top Buggy.
Spring wagon harness. 1 Road wagon. 2 mules. Household & Kitchen furniture.
W. W. Briggs Shff

1871 Feb 20. Rec^d of Shff. fifteen dollars & eighteen Cents in part hereof
W. W. Briggs Shff
W. R. Kilby p. g.

The Sheriff will return this execution without sale.
W. R. Kilby p. g.

Seized on the property mentioned on this Fi Fa ^{20 Feb 1871} & ordered to be returned
by peffs Counsel
W. W. Briggs Shff

A Copy Test O White bly

Stevens
to } Ex with bill

Butler

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command you that of the Goods and Chattels of *W. D. Butler*

late of your bailiwick, you cause to be made *Ninety eight dollars twenty four Cents with legal interest thereon from 14th May 1869 till paid which Edward W. Moore & Edward S. Griffin merchants partners doing business under the name Style of E. S. Tabb & Co.*

lately in our *County* — Court of Southampton County have recovered against *him* as well for a certain debt as for interest thereon, also the sum of *Seven* Dollars and *16* Cents, which to the said *Tabb & Co.*

in the same Court were adjudged for *him* costs in that suit expended, whereof the said *Butler* — convict as appears to us of record; and how

you shall have executed this writ make known at the Clerk's Office of our said Court, at the rules to be holden for said Court on the first Monday in *November* next, and have then there this writ

Witness, *James R. Tyler* —
WITNESS, JAMES R. TYLER, Clerk of our said Court, at the Court-House, this *22nd*

day of *August* — 1870, in the *95th* year of the Commonwealth. *O. White* *Clk*

THE COMMONWEALTH OF VIRGINIA

Sergeant of the City of Petersburg
To the ~~Sheriff~~ of ~~Southampton~~ County, Greeting:

We command you to summon

Robert A. Nelson

if ~~he~~ be found within your bailiwick, to appear at the Clerk's Office of our ~~Respect~~
Court of Southampton County, at the Rules to be holden for the said Court, on the first
Monday in *April next*. to answer a bill in chancery exhibited against himself &
others in our said Court by R. M. Stevens, James Carey, Logan W. Maupin, & others
Benjamin G. Washington Exor. of Thomas Atkinson & others

And have then there this writ.
Courthouse, this *6* day of
the Commonwealth.

Witness, OSWIN WHITE, Clerk of our said Court, at the
March A. D., 1871, in the *95* year of

O. White *cl*

Stevens Jas
to } Sum^r Chy

Butler J W Jr

1841 April Rules

Executed March
29th 1841. by deliver-
ing a copy of the
within Spa in chy
to the dep^t

W A Moody D.S.
E Armstrong Sgr
City of Pittg.

Pittsburg

Sheriff's Endorsement - "Came to hand Jan. 22." 1870 at 3 O'Clock
P. M. G. W. Vick Dy. Sff.

I Seized on the following property. 40 Barrels Corn. 10 head of cattle.
1 Top Buggy. 1 Spring Wagon. 1 Road Wagon. 2 Mules. Stock of
goods in Store. Household & Kitchen furniture. and the Defendant claiming
the homestead exemption and the plaintiff failing to indemnify I declined
further action in the case. - G. W. Vick Dy. for D. L. Dole Sff.

Received of W. W. Briggs Depty. Sheriff thirty six dollars in part of
within - Feb. 27. 1871 - Inc. I Hundred Atts. for
plaintiffs -

The Sheriff will return this Execution without sale - Inc. I Hundred Atts.
for pffs. -

Feb. 27. 1871.

Ordered to be returned. -

G. W. Vick Dy. for
D. L. Dole Sff. -

A Copy - Teste, O. White Ck.

1
Sullivan
} Ex. with bill
Butler

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command you that of the Goods and Chattels of *M. D. Butler*

late of your bailiwick, you cause to be made *two hundred Sixty five dollars eighty three cents with legal interest thereon from the 10th day of June 1860 till paid which said Y. Leigh & Wm Roscoe Leigh partners in trade under the firm & style of Leigh Bros*

lately in our *Circuit* Court of Southampton County have recovered against *him* as well for a certain debt as for interest thereon, also the sum of *Eight* Dollars and *71* Cents, which to the said *Leigh Bros* in the same Court were adjudged for *their* costs in that suit expended, whereof the said *Butler* is convict as appears to us of record; and how

you shall have executed this writ make known at the Clerk's Office of our said Court, at the rules to be holden for said Court on the first Monday in *March* next, and have then there this writ

Witness, *Osmin White*
~~JAMES R. TYLER~~, Clerk of our said Court, at the Court-House, this

day of *January* 1870, in the *94* year of the Commonwealth.

19
O. White Clk

Sheriff's Return J. - "Came to hand Jan. 22 1870 at 3. O'clock
P. M. G. W. Vick D. S.iff."

I levied on the following property 40. barrels Corn. 10 head of Cattle. 1 Top
buggy. 1 Spring Wagon. 1 Harness. 1 Road Wagon. 2 Mules. Stock of goods in
store, household & kitchen furniture and the defendant claiming the homestead
and the plaintiff failing to indemnify me, I declined to proceed to sell without
such indemnity. G. W. Vick D. S.iff
D. L. Bales S.iff.

The Sheriff is authorized to return the within execution without sale

Feb. 20/71 Received of G. W. Vick Deputy for W. Briggs Sheriff Sixteen
dollars & sixty six cents in part of the within execution C. B. Hayden p. g.
C. B. Hayden p. g.

Feb. 20/71. Received of M. D. Butler twenty four dollars & twenty cents in
part of the within for which he has a duplicate receipt. C. B. Hayden p. g.

A. C. Spuy - Teste, O. White b. b.

2.

Shewms

} Ex. with bills

Butler

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command you that of the Goods and Chattels of *W. D. Butler*

late of your bailiwick, you cause to be made *One hundred sixty seven dollars forty two Cents with legal interest thereon from 28 May 1867 till paid which W. H. Stevens*

lately in our *County* Court of Southampton County has recovered against *him* as well for a certain debt as for interest thereon, also the sum of *seven* Dollars and *34* Cents, which to the said *Stevens*

in the same Court were adjudged for *him* costs in that suit expended, whereof the said *Butler* convict as appears to us of record; and how

you shall have executed this writ make known at the Clerk's Office of our said Court, at the rules to be holden for said Court on the first Monday in *March* next, and have then there this writ

Witness, *Edwin White* ~~JAMES R. TYLER~~, Clerk of our said Court, at the Court-House, this *19th*

day of *January* 1872, in the *94th* year of the Commonwealth. *Edwin White*

R-V. Stearns

18

M. & Butler
Singer & Co. --

Rough Clear

May Term 1871

To be entered --

George W. W.

Mr. C. Butler & Co -

This cause in which the Bill is taken for confessed as to the defendants Milton C Butler, Mary P Butler his wife & Robert A Nelson, on whom process has been served, they still failing to appear plead answer or demurr, & was argued by counsel, on consideration whereof the court ~~decided~~ that a Commissioner of this court take the following accounts -

1st - An account of the Plaintiffs ^{said} Indgments as, M & Butler & share of all other credits ~~whereof~~ ^{which} they think proper to prove their claims, constituting liens on the ~~land~~ ^{estate} of said M & Butler & of the respective order of said judgment liens -

2^d - An account of the Real Estate of which the said M & Butler was seized on the date of said judgment or has since acquired -

3^d - An account of the Personal estate & choses in action now owned by him, & owned by him on the date of the issuing of any of the executions in the Bill mentioned which accounts the commissioner shall take, settle & report to court, with any matters specially stated deemed pertinent by himself or required by the parties to be so stated -

Southampton County Court August Term 1870

E. P. Tall 46

against

M. D. Butler

Plffs

} In Debt

Def

Judgment against the Debt for \$98.24 with interest from 12th May 1869 till paid & Costs \$7.16

Abstract from the Record

Docketed Aug 24th 1870

Teste

O. White 66

Southampton Circuit May Term 1869

Jas. V. Lugh & Wm. Roscoe

Plffs

against

M. D. Butler

Plffs

} In Debt.

Def

Judgment against the Defendant for two hundred & sixty five dollars eighty three cents with legal interest thereon from the 10th day of June 1860 till paid & Costs \$7.53

Abstract from the Record

Teste

O. White 66

Southampton County Court March Term 1869
James Thomas & John E Adams & R. Atkinson late merchants partners
under the firm of Thomas, Adams & Co.
Defts. } In Debt.

against
Milton D Butler
Deft. }
Judgment against the Defendant for \$821¹⁰⁰ with interest from 26 March
1858 till paid & Costs. \$5.85
Or for \$85. paid Dec 21. 1858 for \$100. paid Feb 22. 1859 - for \$100 -
paid May 16. 1859 for \$85. paid December 19. 1859 for \$300 paid Feb 5.
1860.

Abstract from the Record
Docketed May 7. 1869. Teste O. White Ck

Southampton Circuit Court May Term 1869
Benja G Washington Exor. of Thomas Atkinson dec.
against
Robert Atkinson & M. D. Butler
Defts. } In Debt.
Judgment against the Defts for \$76.25 with interest from 9 December 1867 till
paid Costs \$6.94

Abstract from the Record
Docketed May 12. 1869. Teste O. White Ck

Southampton Circuit Court November Term 1869
Tucker & Smith
against
M. D. Butler
Deft. } In Debt.
Judgment against the Defendant for \$117.96 with interest from July 11. 1867
till paid and Costs \$6.90

Abstract from the record
Docketed Jan 5. 1870. Teste O. White Ck

Southampton County Court March Term 1869
R. H. Stevens
against
M. D. Butler
Deft. } In Debt.
Judgment against the Defendant for \$167.42 with interest from 28 May
1867 till paid & Costs \$6.46

Abstract from the Record
Docketed Jan 17. 1870. Teste O. White Ck

Southampton Circuit Court May Term 1870
James Carey
against
M. D. Butler
Deft. } In Debt.
Judgment against the Deft. for \$153.50 with legal interest thereon
from 22 November 1869 till paid Costs \$7.00
Abstract from the Record
Docketed May 21. 1870. Teste O. White Ck

Southampton Circuit Court May Term 1870
Logan W Chapman
against
M. D. Butler
Deft. } In Debt.
Judgment against the Deft. for \$724. with interest on \$241³³ part
thence from 25 May 1868 on \$241³³ another part thence from 28 August
1868 & on \$241³⁴ the residue from 28 September 1868 till paid & Costs
\$6.90

Abstract from the Record
Docketed May 21. 1870. Teste O. White Ck

Stevens et al

v

W D Butler et al

This cause in which it is sug-
gested that even the said decree herein, the said
William D Butler has been adjudged a bankrupt
and that W D Butler has been appointed
his assignee in bankruptcy, it is ordered that
this suit be dismissed as to said William D
Butler and by consent of said W D Butler it
is ordered that this suit proceed against him
as assignee in bankruptcy of said William D
Butler, came on the day & the again & a
copy of the report of said court and on the report
of said court & the said decree under the decree
herein of November term 1871, and was argued
by counsel on consideration whereof the court
confirming said report to which no exceptions
were filed, with adjudge order and decree
that the clerk of this court deliver to said W D Butler
on this giving this receipt therefor the sum
of \$16,666 and 2/3 and \$456,212 2/3 each & a
us hereby one, two & three years from the 10th
day of December 1872, with interest from that
date, returned with the report of said court
which bonds the said W D Butler is hereby
authorized & required to give as the

seriously fall due, with Commission upon
payment of the same before maturity should
obligor so desire and the proceeds thereof
after paying thereout the unpaid costs of
this suit apply in payment of the several
debts named in Comr. Taylor's report herein
in this order of priority as therein referred to,
and the Court with further advice may and
decrees that on the payment in full of said bonds
the said C. B. Hayden who is hereby appointed
Special Comr. for that purpose shall receive and
deliver to the said C. B. Hayden a good and
sufficient and in full discharge of the same
warranty for the lands in these proceedings
mentioned approved by Chas. W. W. Cowan
His tract at Brainerd containing 47 acres and
one hundred and fifty acres more or less
and Tract on Black Creek of fifty acres
more or less and make report to Court on
this proceeding under this decree, returning
with said report the receipts of the Comr. for
the payments herein directed.

Stevens et als
v

M. D. Butler et als.

To the Honorable George
Blow Judge of the Circuit Court of the
County of Southampton in chancery sitting.

Your Petitioner William H
Holmes humbly represents to the court, that at
the decretal sale therein made on the 16th day
of December 1872, the said M. D. Butler bid
off the tract of land in the proceedings of
this suit mentioned, and with your Petitioner
as his surety executed bonds in the payment
of the same, and at the February term 1874
by a decree therein the said sale was confir-
med, and L. B. Hayman was appointed
commissioner to collect said purchase bonds,
and on the payment of the same to execute
deeds to the said M. D. Butler for the land
so purchased as described in said decree.

Your Petitioner further sheweth to the court,
that the said M. D. Butler was unable to pay
the said bonds in whole or in part and your
Petitioner in consequence of the inability of the
said Purchaser to pay the same, and at his
request has partially paid the said bonds,
and will be forced from the inability of the
said M. D. Butler to complete the payment of
the said bonds, to pay the same in full.

In consideration thereof the said M R Butler
by his and hearing date on the 20th day of
October 1874, duly executed, acknowledged
before and certified by a Justice of the Peace
of the county of Southampton, herewith filed
and Grayd is taken as a part of this
petition. Has granted unto your Petitioner all
his interest in said land, and consented that
the court should direct a deed to be made
to your Petitioner for said land, on the
completion of the payment of the purchase
money by your Petitioner.

Your Petitioner therefore Prays that he may be
substituted to the rights of the said M. R. Butler
as the Purchaser of said land, and that on
the payment in full of said purchase money,
by your Petitioner a deed for said land
may be decreed your Petitioner; And your
Petitioner will ever pray

Signed W. H. Holmes

Per A. B. Hayman his atty

Stearns et al

vs

M. R. Butler et al

Petition of
W. H. Holmes

R. H. Steven & als.

vs. In Chancery

M. D. Butler & als.

Exhibit
A

Southampton County Court March 16. 1869

R. H. Stevens

against

M. D. Butler

Plff

In Debt

Deft

This day came the plaintiff by his attorney, as well as the defendant by his attorney and by their consent it is considered by the Court that the plaintiff recover against the Defendant One hundred & sixty seven dollars & forty two cents with interest from 28th day of May 1867 till paid and his costs by him about his suit in this behalf expended

Plffs costs \$ 6. 46

Attest

Teste

L. R. Edwards D.C.

Southampton County Court. March 16. 1869.

James Thomas, John E. Adams & G. R. Atkinson late merchants & partners under the style of Thomas, Adams & Co.

against

Milton D. Butler

Plffs

In Debt

Deft

The judgment obtained at the Rules not having been set aside and the plaintiffs being now entitled to a final judgment it is therefore considered that the plaintiffs recover against the defendant Eight hundred and forty one dollars and ten cents the debt in the declaration mentioned with legal interest thereon from the 26th day of March 1858, till paid and their costs by them about their suit in this behalf expended

This judgment is to be credited for \$85. paid Dec. 25. 1858. for \$100 paid Feb. 22. 1859. for \$100. paid May 16. 1859. for \$85. paid Dec. 19. 1859 and for \$300. paid Feb. 6. 1860

Plffs costs \$ 6. 28

Attest

Teste

L. R. Edwards D.C.

Land charged on the band-book belonging to M. D. Butler.

On tract of	150 acres	On Round hill	Valued at	1900-
" " "	92 $\frac{1}{4}$ "	" Lightwood	" "	139-13.
" " "	50 "	" Blk. Creek	" "	100.
" " "	50 "	" Lightwood	" "	125.50
" " "	83 "	" "	" "	215.80

The last tract is his wife's dower in her former husband's estate. The other tracts are charged to Butler in fee simple.

L. R. Edwards. DC
 Jan'y 19. 1870

Richmond, Va., Jan'y. 17th 1876

C. B. Hayden Esq

Dear Sir

Yours of 11th inst.
has been rec^d, enclosing check
for \$58⁷⁰/₁₀₀ in full of judgment of
Southampton Circuit Court in
favor of B. L. Washington, Exor^r
of Thomas Atkinson dec^d against
Robt. A. Nelson & M. D. Butler.

Would like to write you a long
letter but hope to see you at
Smy Court next week

Yours very truly &c.
Geo. S. Clarke

McKinnons Es
v { the Judge.
Nelson J

Dec 20. 97 by C.B.H

Recd. Smithfield on 20 Dec 1875 of L. P. Hayden
Camp - in Stephen or Butler fifty
cents for certifying deer

W. K. Chapman

Nature Public

Stephens J^r
at } Copy done

Butler J^r

1
Suffolk Superior Court, February Term 1874.

R. H. Stevens, James Carey, Lynn K. Maupin & others
against
Milton I. Butler and Mary S. his wife and
Robert A. Nelson
Plaintiffs
Defendants
In Chancery

This Cause in which it is suggested that since the last decree herein, the said Milton I. Butler has been adjudged a Bankrupt and that W. B. Shands has been appointed his assignee in Bankruptcy. It is ordered that this suit be dismissed as to the said Milton I. Butler and by Consent of said W. B. Shands, ordered that this suit proceed against him as assignee in Bankruptcy of said Milton I. Butler. Case on this day to be again heard on the papers formerly read, and on the Report of Sale of Goods. C. B. Hayden, under the decree of November Term 1871, and was argued by Counsel. On consideration whereof the Court confirming said Report to which 20 Exceptions have been filed, with adjudge order and decree, that the Clerk of this Court deliver to C. B. Hayden on his filing his receipt therefor, the three Bonds of M. I. Butler and R. H. Holmes respectively for \$10,000, and for \$500, 21 2/3 each, payable respectively one, two, and three years from the 1st day of December 1872, with interest from that date returned with the Report of Sale aforesaid, which Bonds the said C. B. Hayden is hereby authorized

and required to collect as they severally fall due, with
permission to receive payment of the same before maturity
should the obligors so desire, and the proceeds thereof after
paying thereout the Unpaid Costs of this suit, apply in
payment of the several debts named in Commissioner
Tyler's report herein in their Order of priority as
therein reported; and the Court doth further adjudge,
order and decree, that in the payment in full of said
Debts, the said C. D. Hayden, who is hereby appointed a
Special Commissioner for that purpose, shall execute
and deliver to the said M. S. Butler a good
and sufficient Deed in fee Simple with Special
Warranty for the Lands in these proceedings mentioned
purchased by him, to wit; Round Hill Tract
at Berlin containing by estimation One hundred
and Fifty acres, more or less, and a Tract on
Black Creek of Fifty acres more or less, and
make report to Court of his proceedings under
this decree, returning with said Report the
receipts of the parties for the payments
herein directed.

Attest

Teste

James R. Tyler, J. C.

Stevens &
to } Copy Report
Butler &

An Account of the outstanding Indebtedness against M. J. Butler
and docketed in the Clerk's Office of Southampton County Court.

1869	James Twining and John E. Adams and G. B. J		
March 11 th	Atkinson, Under the Style of Thomas,		
Judge	Haz Adams & Co. Indebted for	841	10
Co Clerk	Int from 1 st Mar 1858 to 21 st Dec. 1858	36	14
		887	24
	Paid 21 st December 1858	85	00
	bal	792	24
	Int on Same to Feb 22 nd 1859	8	06
		800	29
	Paid 22 nd Feb 1859	100	00
	bal	700	29
	Int on Same to 11 th of May 1859	8	13
		708	92
	Paid 11 th of May 1859	100	
	bal	608	92
	Int on Same to 19 th of Dec. 1859	21	11
		630	53
	Paid 19 th of Dec. 1859	85	00
	bal	545	53
	Int on Same to Feb 5 th 1860,	3	27
		548	80
	Paid 5 th of Feb 1860	300	00
	bal	248	80
	Int on Same to 1 st of August 1871	171	49
	Docketed May 7 th 1869		420 29
1869	Wm Benjamin Washington Son of Thos Atkinson		
May 3	Indebted against A. A. Atkinson & M. J. Butler	74	25
Judge	Int from 9 Dec. 1869 to 1 st August 1871	7	57
Co Clerk	Ords	4	94
	Docketed May 12 th 1869		90 70
	Am't Carried over		55-10-99

Amount Brought over
 1869 Kind Sucker & Smith, Judgment for
 Nov 9th Int from 11th July 1869, to 1st Aug 1871 -
 Costs

117	94		
14	64		
	4	90	

Debit July 6th 1870 -

		139	40
--	--	-----	----

1869 May R. H. Stevens, Judgment for
 May 28th Int from 28th May 1869 to 1st Aug 1871
 Costs

147	42		
41	93		
	4	46	

Debit January 17th 1870 -

		215	81
--	--	-----	----

1870 May P. James Carey Judgment for
 Int from 24th Nov. 1869 to 1st August 1871
 Costs

153	50		
	15	63	
	7	00	

Debit May 21st 1870

		174	03
--	--	-----	----

1870 May P. Logan W. Mansfield Judgment for
 Int on \$241.33 from 25th May 1868 to Aug 1st 1871
 Int on \$241.33 from 28 Aug 1868 to 1st Aug 1871
 Int on \$241.34 from 28th Sep 1868 to 1st Aug 1871
 Costs

724	00		
	44	09	
	42	35	
	41	14	
		4	90

Debit May 21st 1870

		840	48
--	--	-----	----

1870 May E. F. Tally & Co Judgment for
 Aug 15 Int from 14th May 1869 to 1st Aug 1871
 Costs

98	24		
	12	88	
	7	14	

Debit August 24th 1870

		118	28
--	--	-----	----

1871 May Leigh Bros. Judgment for
 May 23rd Int from 20th June 1869 to 1st Aug 1871
 Costs

245	83		
	177	70	
		7	53

(Int Debit)
 454 04
 \$2472 05

Amount Brought up
 1871 Ar: Miller & Elden Judgment for
 March 20 Int from 27th Dec. 1870 to 1st Aug 1871, on \$44.00
 Costs

74	88		
	2	43	
		8	30

Debit April 8th 1870 -

		87	51
--	--	----	----

1871 May G. Cochran, McLean & Son Judgment for
 May 15th Int on \$233.94 from 12th Dec 1869 to 1st Aug 1871
 Int on \$87.14 from 12th Dec 1870 to 1st Aug 1871
 Costs

321	00		
	27	73	
		8	43
		8	10

Debit June 13th 1870 -
 Total

		345	24
		2925	12

Respectfully Submitted,
 James R. Tyler,
 Commissioner

Stewart Jr
a } Copy done

Butler

Southampton Circuit Court, October Term 1874.

R. H. Stevens & others

Defts

against

Milton D. Butler and Mary P. his wife
and Robert A. Nelson

Defts

Sub Chancery

This Cause this day came on to be again heard on the papers formerly read, and the report of Collection and payment of Commissioner Hayden under the decree herein of February Term 1874, and the petition of W. H. Holmes and was argued by Counsel, on consideration whereof the Court confirming said report to which no exceptions were filed, doth adjudge, order and decree, that on the payment in full by the said W. H. Holmes of the Bonds in said petition and decree of February Term 1874, mentioned, given by M. D. Butler with said W. H. Holmes as surety for the payment of the said in these proceedings mentioned, that C. B. Hayden who is hereby appointed Special Commissioner for that purpose execute and deliver to the said W. H. Holmes good and sufficient Deeds for the tracts of Land in the said decree of February Term 1874, named, with Conditions as therein directed, subject to the expectancy of dower therein of Mary P. Butler, wife of said M. D. Butler.

Attest

J. R. Edwards Clk

Att's Costs \$10.21
since Nov 1873

Paid by check Nov 3/74

R H Stevens &

is

Milton C Butler &

Commissioner
Hayden

Final Report of
Collection Payments

1876 Mar 5. Report
J. H. C.

To the Circuit Court of Southampton County

The undersigned special commissioner under the annexed decree of said court of Feb & Oct terms 1874 in the case of R. K. Stevens vs W. D. Buttricks respectfully reports to the court that since his last report he has under said decrees he has collected from W. H. Holmes the last of the purchase Bonds for \$456.21 with int from the 15th day of Dec 1872 amounting to \$538.34 on Dec 15th 1875 when collected as per

Statement A

Amount of Bond	456	21	
Int from Dec 15 1872 to Dec 15 th 1875	82	13	\$538 34
Amt in hands of Commissioner per last report			10 96

The said sum of \$538.34 with \$10.96 in your commissioners hands per last report amounted to \$549.30 as per foregoing statement A. That after paying thereout the costs of suit amounting to \$11.53 there remained in your commissioners hands for distribution among the creditors \$537.77 as per

Statement B

Amt in Commissioners hands as above			549 30
Bal of commission or \$64.00 omitted in last report		1	92
Commissions on \$8212 Int		4	11
Drawing deed to W. H. Holmes for Round Hill & Notarys fee	5	50	\$ 11 53
Amt for distribution among the creditors			\$537 77

The said sum was paid among the creditors in the order of their judgment liens. The judgment of Thos Atkinson Esq - being incorrect as stated in Commissioners Super report of Dec 1874 was paid according to a certified abstract of the judgment marked X herewith filed was with int. After paying the judgment of Thos Atkinson Esq & of Tucker & Smith which remained in your commissioners hands \$308.80 which was applied on the payment of the judgments of James Cary & Logan & Maupin pro rata both of said judgments having been obtained on the same day May 2nd 1870. the Bal in the hands of the commissioner being insufficient to pay them in full the judgments of E. P. Telford & Miller & Elder & Lochran & McLean & Co. are hence entirely unsatisfied. the aforesaid Bal of \$537.77 having been entirely exhausted as shown by

Statement C

1869 May		Am't in hands of Commissioner per statement A			537 77
		Judgment of Thos Atkinsons Exor Debt	31	20	
		Int from June 20 th 1861 to Dec 15 1875-			
		less int from June 20 th 1861 to April 10 th 1865	20	00	
		Costs	7	50	\$ 58 70
1869 Nov	9	Bal in hands of Commissioner			\$479 07
		Judgment of Tucker & Smith debt	117	96	
		Int from July 11 1869 to Dec 15 1875-	45	41	
		Costs	6	90	\$ 170 27
		Bal in hands of Commissioner			\$308 80
1870 May	2	Judgment of James Leary pro rata share	52	44	
	20	Logan & Maupin do	256	36	\$308 80
The receipts of the parties for the said payments are herewith filed All of which is respectfully submitted C. B. Hayden					

We the undersigned have received of C. B. Hayden commissioner in Sever vs M. W. Buttrick the amounts opposite our respective names					
Thos Atkinsons Exor					58 70
Tucker & Smith	Thos J. Murred Atty -				170 27
James Leary	by John R. Kelly atty				52 44
Logan & Maupin	by John R. Kelly atty				256 36
	Total amount paid creditors				\$537 77

To the Circuit Court of Southampton County
 The undersigned C. B. Mayden special
 commissioner for payment under the an-
 nexed decree of said court of February and
 October terms 1874 in the suit of E. M. Stevens
 et al vs Milton D. Butler et al respectfully
 reports to the court that pursuant to said
 decree he has since the date of his last
 report, October 22nd 1874 collected from Wm W.
 Holmes, the surety of M. D. Butler in the
 purchase bonds the sum of \$553.53 in full
 of the second bond for \$456.21 & the second &
 third bonds for \$16.66 each as per
 Statement A

Bond for	\$16.66
Interest on ditto from Dec 16/73 to Feb 16/75	2.17
Bond for	456.21
Interest on ditto for ditto	59.39
	534.43
February 16/75 paid	488.00
Balance due	84.43
Interest on ditto from Feb 17 th to Mar 3 rd	2.1
Third bond for	16.66
Interest on ditto from Dec 16/73 to Mar 3/75	2.22
March 3, 1875 paid in full	\$183.52

The above said payments
 of \$553.53 with the balance of \$83.21
 in your Commissioner's hands by the
 last report make up the sum of \$636.73

1875

Feb 16th

Mar 3rd

as shown by

Statement B.

Paid

\$ 450.00

Paid

113.52

Balance in Commissioner's hands
per last report

83.21

\$ 636.73

The said sum of \$636.73 was applied
in payment of the unpaid costs of suit
and sale and to the satisfaction of the
judgment liens in their respective order
pursuant to said decree as shown by

Statement C

1874

Oct 3rd

Feb 18th

Paid Clerk's fee

\$ 10.21

Paid in full of E. C. Stevens judgment
less payment of \$56.36 paid from
other sources

195.12

Paid in part of Thomas & Adams judg
ment

\$ 27.88

Commission on \$64.00 interest

3.30

Drawing deed & Registry's fee

5.00

Mar. 4th

Paid in full of Thomas & Adams judg
ment less four yrs interest

85.48

\$ 27.09

Balance in hands of Commissioner

4.04

\$ 36.73

The said Wm H. Holmes having
paid the three bonds in full for the

fifty acre tract your Commissioner upon
sent to him a deed for the same as directed
by the decree herein of October term 1874, in
which deed the said fifty acre tract was
described as lying on ~~Lightwood Swamp~~
in stead of Black Creek as mentioned in
your Commissioner's former report herein
and in the decree based on said report, it
appearing to your Commissioner that he had
erroneously located said tract on Black Creek
in stead of on Lightwood Swamp its true
location.

The receipts of the parties
for said payments are herewith filed.
All of which is respectfully submitted

C. B. Hayden Com

Aug 14th 1875

1875. Feb 18/75 - Received of the Commissioner in
Stevens as M & Butler One Hundred & Ninety
Five Dollars & Twelve Cents (\$195.12) in full
of Judgment of R & Stevens as M & Butler, of
Fifty Six Dollars & 26/100 paid from other source -

C B Hayden Atty for

R & Stevens Esq -

1875-Feb 18th Received of the Commissioner
 in Stevens & Butler, Three Hundred & Twenty Seven
 Dollars & Eighty Eight Cents-in part of Judgment
 of Thomas Adams & M & Butler on March
 4th - 1875, Eighty Five Dollars & Seventy Eight
 Cents in full of said judgment less four
 years interest-

E B Hayden Atty for
 Thomas Adams Trustee

19

Stevens &
 Butler

Commissioner
 Hayden
 2nd Report of
 Collection & Payment

Recd of C B Hayden Auctioneers fee for copy is
the entire property of Five Dollars - Wm H Davie
Recd July 24th 1894 of C B Hayden Five \$5.00
dollars on fees

Wm H Davie

Shovens & Co } Copy Dues
to }
Buller & Co

Superior Circuit Court, November Term 1871.

R. H. Starnes & others

Plaintiffs

against

Subscribers

M. D. Butler and Mary P. his wife and

R. A. Nelson

Defendants

This Cause this day came on to be again heard on the papers formerly read and the Report of Commissioner Tyler, under the Term herein of May Term 1871, and was argued by Counsel, on consideration whereof the Court confirming said Report to which no exceptions were filed, doth adjudge, order and decree, that unless the Defendants M. D. Butler, within sixty days from the date of this Decree, pay the several judgments creditors named in said Report, the amount shown thereby to be respectively due them, that C. B. Hayden, who is hereby appointed Special Commissioner for that purpose, shall proceed to sell at public auction, at the Court house of this County, on some Court day, after having given at least twenty days notice of the time and place of sale by advertisement, first at the Court house door of this County, on some Court day previous to the day of sale, and at other public places in this County, on a credit of one, two, and three years in equal payments, with interest from the day of sale, except so much for Cash as will pay the Costs of Suit and Sale, inclusive of an attorney's fee of fifty dollars to C. B. Hayden for his services in this Cause, the

Land in the said Report mentioned, of which the said M. D. Butler is Seized in fee simple, in the County of Southampton, to wit, one tract of 150 acres, known as Round Hill; one of $92\frac{3}{4}$ acres in Lightwood Swamp, one of 50 acres in Black Creek, one of 50 acres in Lightwood Swamp, and the interest of the said M. D. Butler in the Town of his wife of 83 acres in a tract of Land in Lightwood Swamp, taking for the Credit portion of said Sale the said Bond with Sufficient Security in equal amounts, payable to himself as Commissioners respectively one, two and three years from the day of Sale, with interest from that day, and return said Bond with his Report to Court of his proceedings Under this Decree.

But the effect of this Decree shall be suspended as to said Sale, until the said C. B. Hayden shall execute and deliver in the Clerk's Office of this Court a Bond payable to the Commonwealth of Virginia, with Sufficient Security, in a sum of \$1500, conditioned for the faithful performance of this or any future Decree herein.

Attest

Clk's Costs	\$ 15.27	due R. E. Tule,
Shff	5.00	
Com. Tyler	12.00	
Law fee &c	54.00	\$ 81.27
lith and cols		1 08
		\$ 82.35

James A. Tyler, J. C.

Jan 11. 1873. Recd of C B Hayden Commissioner of Sale in Stevens
in Butler Sixteen Dollars & Thirty Five Cents ~~clerk~~ fees to
Nov/73 in said suit -

L. R. Edwards

Recd of same Twelve Dollars Commissioner fees in
said suit -

Jan 11 1873

BOOK, JOB, AND ORNAMENTAL PRINTING EXECUTED WITH DISPATCH.

SUFFOLK, Va.

Feb'y 16th 1872

Mr L. B. Hayden

W. B. Wellons.

D. B. Dunbar.

N. F. McCann.



W. B. WELLONS & CO.,



TERMS CASH.

KILBY STREET.

To 25- 8th Street- Bills Sent of
Milton D. Butters Lania. \$1.50
March 18th 72 Recd Payment
W. B. Wellons & Co
Per C. M. Ward

BOOK, JOB, AND ORNAMENTAL PRINTING EXECUTED WITH DISPATCH.

SUFFOLK, Va.

Nov 5th 1872

Mr L. B. Hayden

W. B. Wellons.
D. B. Dunbar.
N. F. McCann.

W. B. WELLONS & CO., Dr.

TERMS CASH.

KILBY STREET.

To 25th sheet - Bills M D Butler \$1.50

May 9th 73 Recd Paymt -
W B Wellons & Co
Per J M Ware

to left with Mr Kilby

March 5th 1870. Recd of Lett Bayren
court in Henry et al v M.D. Butler
fifty cents fee for certifying and
to W. H. Holmes.

Ed. Dykiss

Received November 7 1874. of C B Hayden Com. in Suit ~~Chancery~~
R. H. Stevens vs Butler Ten ²⁴/100 dollars Clerks fees in Said Suit since
November 1873

L. R. Edwards clk

Stevens et als

vs

M. W. Butler et als

Report of Commissioner of Sale

1874 Feby Term.

Received of the Clerk of the Circuit Court
the Bonds returned ~~the~~ this 1st day of
C D Hayden Comr

To The Circuit Court of Southampton;

The undersigned Special Commissioner of Sale, under the decree of said Court of November term 1871, in the Chancery suit of R. W. Stevens et al, vs M. W. Butler et al, reports to the Court that pursuant to said decree, he advertised the Land in said decree mentioned for public sale at the Court House of said County, on the 18th day of March 1872 being Court day, but your Commissioner was prevented by severe sickness from attending the said Court on that day, and hence no sale was made. Your Commissioner on the 16th day of December 1872, being Court day, offered the Lands in said decree mentioned at public sale, at the Court House door of said County, after having given the notice by advertisement of the time and place of sale required by said decree, at which sale M. W. Butler, being the highest bidder became the purchaser of the Round Hill tract, for the sum of \$1500.00 and of the 50 acre tract, for the sum of \$50.00. Of this amount the said M. W. Butler paid \$131.35 in cash, and for the balance, with W. H. Holmes as his surety, gave three bonds for \$456.21 $\frac{2}{3}$

each, and Three Bonds for \$16.66 $\frac{2}{3}$ each, payable respectively, one, two, and three years from the 16th day of December 1872, with interest from that date, which Bonds, with said cash payment amount to \$1550.00 the gross amount of sale of said land, as per Statement A.

Cash payment	\$131.35
Bond at 1 year for	\$456.21 $\frac{2}{3}$
Bond at 2 years for	\$456.21 $\frac{2}{3}$
Bond at 3 years for	\$456.21 $\frac{2}{3}$
Bond at 1 year for	16.66 $\frac{2}{3}$
Bond at 2 years for	16.66 $\frac{2}{3}$
Bond at 3 years for	16.66 $\frac{2}{3}$
Total amount of sales	\$1550.00

The cash payment of \$131.35 was applied in payment of the costs of suit and sale as per Statement B

Attorney fee and writ tax	\$51.00
Printers Bill \$3.00 Auctioners \$5.00	8.00
Clerks fees \$16.35 Commissioners do \$12.00	28.35
Commissions at 5 per cent on \$300.00,	15.00
do " 2 " " " \$1250.00	25.00
Sheriffs fees	3.00
Cash in Commissioners hands	\$130.35
Amount of cash payment	\$131.35

The said Bonds, and the receipts of the parties

For said payments and the said decree are
herewith returned.

The other two tracts of Land mentioned in
said decree were not sold, because no
such land could be found belonging to
the said W. B. Butler, the Commissioner ha-
ving reported these lands as belonging to
him, in consequence of his having been
charged with them erroneously in the
Land Book.

The price for which the said land was sold
was less than $\frac{3}{4}$ of its assessed value, but your
Commissioner having the consent in writing of
the counsel of the creditors having liens on
said land, and of their waiver of the Stat-
ute requiring the land to be sold at $\frac{3}{4}$ of
its appraised value, and your Commissioner
being of opinion that said sale was a fair
one permitted the property to be sold off at
the price aforesaid. The said consent and
waiver in writing is herewith filed.

All of which is respectfully sub-
mitted.

C B Hayden
Commissioner

Recd of commissioner in Henry P Butler the
following payments on Judgment of Leigh & Bro &
M W Butler in full of same less 4 years interest
abated. May 26th /874 \$100⁰⁰ (one hundred
dollars.) June 20th /74 Two hundred dollars (\$200⁰⁰)
Oct 22/74 one hundred thirty six ⁰⁰/₁₀₀ dollars (\$136⁰⁰) in full.
make four hundred thirty six ⁰⁰/₁₀₀ dollars.

Leigh & Bro per
C B Hayden Atty -

Stevens et al

et

M. D. Butler et al

Our Haydens
first Report of
Collection department.

To the Circuit Court of the County of Southampton
 The undersigned E. B. Maynard
 Special Com^r for collection and payment
 under the annexed decree of said court in
 the suit of R. H. Stephens et al v Millson
 & Butler et al, reports to the Court, that
 pursuant to said decree he has received
 from the clerk of said court, the bonds in
 said decree mentioned, and to the date of
 this report has collected the sum of \$519.50
 in discharge in full of the first bond of
 \$1666²/₃ payable one year from the 16th day
 of December 1872, with interest from that
 date being the first bond for the Black
 Creek tract of 50 acres & the first bond
 for the Round Hill tract of \$456.21²/₃ payable
 one year from the 16th day of December 1872
 with interest from that date as per

Statement A

Bmd for \$1666 ² / ₃ with int from Dec 16/72 to May 26/74	17.80
Bmd for 4	456.21 ² / ₃
Int on do to May 26 th /74	39.54
	513.55 ² / ₃
May 26 th /74 Paid	100.00
	413.55 ² / ₃
Int on do to June 20 th /74	1.65
	415.20
June 20 th /74 Paid	200
	215.20

Am't brought up		215.20
Out to Oct 17/74		4.20
		219.40
Oct 17 th /74 Paid		100.00
		119.40
Out to Oct 22 ^d /74		.10
		119.50
Oct 22/74 Paid in full		119.50
The sum of \$ 519⁵⁰ received as aforesaid was applied in payment of the judgment of Leigh & Bros of May the 2^d 1861 mentioned in said report, being the latest judgment mentioned therein on which judgment the sum of \$ 486⁰⁰ was due after deducting the abatement of 4 years interest pursuant to the slab as per Statement D		
Judgment for		265.83
Out on do from June 10 th /60 to June 20/74		223.74
		489.57
Abatement of 4 years int under slab		63.80
		425.77
Costs of suit		7.53
		433.30
May 26 th /74 Paid	100.00	
June 20 th /74 "	200.00	300.00
Bal due June 20 th /74		133.30
Out to Oct 22 ^d /74		2.72
		136.02
Oct 22/74 Paid in full		136.02

The foregoing payments on said judgment of \$436⁰⁰ left a Bal in the hands of your comr of \$83²⁴ as per

Statement by

Bal in hands of comr per last report	1.00
and collected to date of this report	519.50
	520.50

and paid on foregoing judgment 436 ⁰⁰	
coms at 2 per cent on \$63 ²⁹ amt	1.27
Bal in hands of comr after paying judgment of Leigh & Bro.	\$83.21

This balance of \$83²¹ is entitled to the applied ~~pro rata~~ in satisfaction of the judgments of Thomas Adams Esq. and of the 26 persons mentioned in the report of debts therein, both having been obtained at the March term 1869, and rank next in priority to the judgment of Leigh & Bro of aforesaid.

The receipt of L. B. Hayden atty for Leigh & Bro for the payments in satisfaction of said judgment is herewith filed.

all of which is respectfully submitted.

Signed C. B. Hayden

Oct 22^d 1874

Stemmy and others
21.
Butler & Co.
1871 May 1st

(July 19th 1871)

Seneca County Circuit Court, May Term 1841.

R. H. Stevens and others

Plaintiffs

vs.

In Chancery

Milton D. Butler and Mary D. his wife
and Robert A. Nelson Defendants

This Cause in which the bill is taken for Consignation as to the
Defendants Milton D. Butler, Mary D. Butler his wife and Robert
A. Nelson on whose process has been served, they still failing to
appear, plead, answer or demur, and was argued by Counsel,
in Consideration whereof the Court doth adjudge, Order and
decree, that the Commissioner of said Court take the follow-
ing Accounts—

- 1st An Account of the Plaintiffs Judgment against Said
M. D. Butler and those of all other Creditors who may
think proper to prove their Claims Constituting liens on the
Land of Said M. D. Butler, and of the respective Order of
Said Judgment liens—
- 2^d An Account of the real Estate of which the Said M. D.
Butler was Seign at the date of Said Judgment, or has
since acquired—
- 3^d An Account of the personal Estate and choses in action
now owned by him, and owned by him at the date of
the issuing or levy of the Executions in the Bill mentioned,
which Accounts the Commissioner shall take, settle
and Report to Court, upon any Matter Specially Stated,
demanded pertinent by himself, or required by the parties,
to be so Stated—

Attest
Clerk,

James R. Tyler, C. C.

Stevens & others } Com. Tyler's
v } Report
Butter &c } Com. Notice

1871 September 27

Executed
Wm. Briggs

COMMISSIONER'S OFFICE,

Jerusalem June 8th 1871

TO R. H. Stevens & others Plff.

Against
Milton D. Butler and Mary P his wife and Robert
A. Nelson Defs

[Handwritten flourish]

You are hereby notified that I have fixed upon the 19th day of July next, if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

- 1st An account of the Plaintiff's Judgment against said M. D. Butler and others those of all other Creditors who may think proper to prove their claims constituting liens on the Land of said M. D. Butler and of the respective order of said Judgment liens -
- 2nd An account of the real Estate of which the said M. D. Butler was seized at the date of said Judgment, or has since acquired
- 3rd An account of the personal Estate and choses in action now owned by him, and owned by him at the date of the issuing or levy of the Execution in the Bill mentioned, which accounts the Commissioners shall take, settle, and report to Court &c

required to be taken by a decree of Southampton Circuit Court, rendered on the _____ day of May Term 1871, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

To the Sheriff of Southampton County to execute.

James R. Tyler

Commissioner.

An Account of the outstanding Judgments against M. D. Butler
and docketed in the clerk's office of Southampton County. Courts

1869					
March		James Thomas & John E Adams & L.R.			
16	May	Atkinson. under the style of			
Judge		Thomas. Adams & Co. Judgt for	841	10	
Co. Cl.		int from 26 Feb 1858 to 21 Dec 1858.	36	14	
			877	24	
		Paid 21 Dec 1858	85	00	
		bal	792	24	
		int on same to Feb 22 nd 1859	8	05	
			800	29	
		Paid 22 Feb 1859	100	00	
		bal	700	29	
		int on same to 16 May 1859	8	63	
			708	92	
		Paid 16 May 1859	100		
		bal	608	92	
		int on same to 19 Dec 1859	21	61	
			630	53	
		Paid 19 Dec 1859	85		
		bal:	545	53	
		int on same to Feb 5 th 1860	3	27	
			548	80	
		Paid 5 Feb 1860	300	00	
		bal	248	80	
		int on same to 1st August 1871	171	49	
		Docketed May 7. 1869			420 29
		Cash			
1869		Benj G Washington Ex of Thos Atkinson			
May 3 rd	blk	Judgt against R. A. Nelson & M. D. Butler.	76	25	
Judge		Int from 9 th Dec 1869 to 1 August 1871	7	51	
Co. Cl.		Costs	6	94	
		Docketed May 12. 1869			90 70
		Carried over			510 99

1869 Nov. 9th *Am't brot over* \$510 99
Tucker & Smith Supt for
int from 11 July 1869 to 1 Augt 1871
Costs
Docketed Jan'y 5 1870

1869 May 2nd *R. H. Stevens Supt for*
int from 28 May 1867 to 1 Augt 1871
Costs
Docketed Jan'y 17 1870

1870 May 2nd *James Carey Supt for*
int from 24 November 1869 to 1 Augt 1871
Costs
Docketed May 21 1870

1870 May 2nd *Logan & Mainwain Supt for*
int on \$241.³³ from 25 May 1868 to 1 Augt 1871
int on \$241.³³ from 28 Augt 1868 to 1 Augt 1871
int on \$241.³⁴ from 28 Sept 1868 to 1 Augt 1871
Costs
Docketed May 21 1870

1870 Aug 15th *E. P. Tabb & Co Supt for*
int from 14 May 1869 to 1 Augt 1871
Costs
Docketed Aug 24 1870

1861 May 2nd *Leigh & Bro Supt for*
int from 10 June 1860 to 1 Augt 1871
Costs
(at Dr. Inchele)
Total amt. for July 1871

James R. Tyler Com

1871 Mar 20th *Am't brot up* \$2472 05
Miller & Elder Supt
int from 27 Dec 1870 to 1 Augt 1871 on \$74.
Costs
Docketed April 8 1870

1871 May 6th *Cochran M. Leav & Co Supt for*
int on \$233.⁹⁴ from 12 Dec 1869 to 1 Augt 1871
int on \$87.¹⁴ from 12 Dec 1870 to 1 Augt 1871
Costs

Docketed June 13 1870. Total

Respectfully Submitted
James R. Tyler Com

An Account of the value of the real Estate belonging to M. D. Butler as follows

One tract of Land 150 Acres on Round Hill \$900 00
" " " 92 3/4 " " Lightwood 139 15
" " " 50 " " Beth Creek 100 00
" " " 50 " " Lightwood 125 50
" " " 83 " " " 215 80
\$1480 43

The last tract of Land is his wife's dower in her former husband's estate

Respectfully Submitted
James R. Tyler Com

Commissioners Office
Jerusalem 26th Sept 1871

To the Circuit Court of Southampton County.

Pursuant to a decree of the Circuit Court of Southampton County rendered at the May Term 1871. in a suit in Chancery pending in the said Court between R. H. Stevens and others and William D Butler & Mary P his wife & Robert A. Nelson. the undersigned, one of the Commissioners of the said Court to whom was referred for settlement by said decree. the following accounts to wit:
1st An account of the plaintiff's Judgment against said M. D Butler and those of all other creditors who may think proper to prove their claims constituting liens on the Land of said M. D Butler and of the respective order of said Judgment liens—

2nd An account of the real estate of which the said M. D Butler was seized at the date of said Judgment or has since acquired:—

3rd An account of the personal estate and Choses in action now owned by him, and owned by him at the date of the issuing or levy of the Execution in the bill mentioned which accounts the Commissioners shall take, settle and report &c. reports to the court. That on the 8th June last. he issued notices against the several parties aforesaid requiring them to attend the settlement of the said account before him at his said office. on the 19th day of July— which were returned to Your Commissioner duly executed. That the parties aforesaid appeared by attorney before Your Commissioner in obedience to said notice, and he thereupon examined, stated and settled the foregoing accounts up to the 1st day of August 1871. and on that day finds the amount of judgments, costs and interest added to be \$2925.12 cents. The Commissioner respectfully

reports specially to the court. that he has made up an account of the real Est. of the said Butler. taking the value of the Land from the Books of the aforesaid. The Choses in action. "he cannot ascertain." The Commissioner further reports to the court that the completion of the said accounts, he retained the same in his office ten days for the examination of the parties, which ends the decree and notices are herewith returned.

Given under my hand as Commissioner aforesaid the day and Year first aforesaid.

James B. Tyler

Copy

Commissioners fee for notices &
making up up \$12⁰⁰

Stevens & Co

M

Bullard & wife

Rough & Co
Nov. 1871

To be entered

Geo. B. Low

Sterens & als

25

Butler & als

This cause this day came on to be again heard on the papers formerly read & on the report of Commissioner Tyler under the decree herein of May Term 1871, & was argued by counsel, on consideration whereof, the court confirming said report, to which no exceptions were filed doth, adjudge order & decree that unless the defendant ~~Butler~~ Butler, within 60 days from the date of this decree pay the several judgment creditors named in said report, the amounts shewn thereby to be respecting due them, that C B Hayden who is hereby appointed special commissioner for that purpose, shall proceed to sell at public auction at the Court House of this county on some court day, after having given at least 20 days notice of the time & place of sale by advertisement at the Court House & on of this county, on some court day ~~previous~~ to the day of sale, & at other public places in this county, on a credit of one, two, & three years in equal payments, with interest from the day of sale except so much for cash as will pay the costs of suit & sale inclusive of an

Attorney: Fee of Fifty Dollars to C B Hayden
for his services in this cause, the Land in said
Repat. mentioned of which the said
M & Butler is seized in fee simple in
the County of Southampton: to wit: One
tract of 150 acres, known as "Round Hill";
one of 92 3/4 acres ^{swamp} of Lightwood; one of
50 Acres on Black Creek: one of 50 Acres
on Lightwood ^{swamp} & the interest of said
M & Butler ~~for the life of his~~ in the term
of his wife of 83 Acres in a tract of Land
on Lightwood, ^{swamp} taken for the credit portion
of said sale, ^{with sufficient security} three Bonds, in equal amt
payable to himself as commissioner respec-
tively one, two & three years from the day
of sale, with interest from ^{that} date & return
said Bonds with his repat to Court -
of his proceedings under this decree -
But the effect of this decree shall be
suspended as to said sale until the
said C B Hayden shall execute & deliver
in the Clerk's office of this Court, a Bond
payable to the Commonwealth of Virginia
with sufficient security in a penalty
of \$1500.00, conditioned for the faithful
performance of this or any future decree
herein -

Stevens & Co.
Papers

Datler

1876 Removed from the
Docket