1902-01 Southampton County Chancery Butler, Murdock W. Gdn. Vs. Butler, Laura Estelle et al

"Property to be sold" for cash if in point, as the Court may direct

Butler, Laura Estelle
Butler, Murdock

Butler, Murdock
Butler, Laura Estelle

Butler's Guardian,

Versus, Bill & Ex.

Butlers Infants, et als.

Southampton Circuit Court.

Law. Office
of
Prince & Wilmore
Suffolk Va

To, The Honorable Robert R. Prentis, Judge of the circuit court of Southampton County, Virginia.

---------In Chancery- -------

Complaining showeth unto your honor, your orator, M[illegible] W. Butler, Guardian of Laura Estelle and Murdock Butler, infants under 14 years of age, that the said Laura Estelle and Murdock are entitled to the fee simple estate in that certain tract of land lying near Berlin in the County of Southampton, adjoining the lands of A.W.Holt, Nannie R.Brittle, S.H.Brittle and the Berlin & Ivor road, and containing the sum of 118 acres, and being the same land devised to them by the last will and testament of G.G.G.Brittle, decd., subject to a life estate therein of their mother, Laura G. Butler, as will more fully appear by reference to a certified copy of the said last will of said G.G. G.Brittle, decd. filed herewith as exhibit "A". That said farm is the only real estate or interest therein owned by said infants, and that they own no personal property. That Laura G. Butler the mother of said infants would be their sold heir and distributee in so far as the real estate is concerned, in the event of their death.

Your orator states that a sale of the aforesaid real estate would promote very much the interest of the infants as he believes, for the following reasons: 1st.--- The mother of the infants, who is now only 34 years of age, has a life estate in the said farm. 2nD.--- The farm is bringing them no revenue, and the probabilities are that it will not for many years to come.

3rd.--- That complainants and their family live in Berkley Va. more than 50 miles away from the farm, have to rent same out, with all the inconveniences resulting therefrom, cannot give personal attention to the keeping same in repair, and as a consequence it is becoming less valuable each year, the buildings being now in a state of decay.

4th. That the portion coming to the infants invested in some good and safe place will yield decidedly more, and be less likely to diminish and waiste away.

That said farm is worth now about $[illegible], $1200 xxx

That said Laura G. Butler, who has a life estate therein is willing to have the said property sold and the interest or value of her life estate calculated according to the annuity tables and paid to her; Your orator further states that the interest of no party will be violated by a sale of the said real estate.

To the end therefore that justice may be done and forasmuch as your orator is remediless in the premises save by the aid of a court of equity where matters of this kind are alone and properly cognizable, he prays that the infants, Laura Estelle and Murdock Butler, infants under 14 years of age, and their mother Laura G. Butler may be made parties defendants to this suit, that a proper guardian ad litem may be appointed to defend the rights of the said infants, and that said Laura G. Butler as well as the guardian ad litem may be required to answer the allegations contained in the bill on oath; that the said tract of land may be sold, and the proceeds of sale invested for the benefit of the said infants as the Court may direct; that all proper orders and decrees may be made and all proper accounts and enquiries directed; and for such other further and general and s-pecial relief as the nature of the case may require or to equity shall seem meet. Notice is hereby given that the Court will be asked to allow out of the funds coming under the control of the court, reasonable fees to Plaintiff's Counsel, And your orator will ever pray, &c.

M. W. A. by Murdock H. Butler

Prince & McLemore, P.Q. Guardian of Infants.

Laura G. Butler

Virginia, Norfolk County, to-wit:-
This day personally appeared before me the undersigned, a notary public for the county aforesaid the above named [illegible] W. Butler, guardian of Laura Estelle and Murdock Butler, plaintiff in the foregoing bill, and made oath that he believes the statements therein contained are true.
Given under my hand this 19th day of July 1898.

[illegible]
Notary Public.

In the circuit court of Southampton County, Virginia.

First August Rules Circuit Court, 1898./

Butler's Infants et als.

A-ds. Answer of Laura G. Butler, to bill of complaint exhibited against her et als, by M.W. Butler Gdn. Butler, Guardian &c.

This respondent for answer to said bill of complaint or so much as she is advised it is material for her to answer, answering says: True it is that she owns a life estate in the tract of land described in plaintiff's bill, and that said land is correctly described; it is also true that defendant's infant children, own the fee in said land subject to said life estate of your respondent.

It is also true that said farm is some distance from your respondent and that same is coming down and becoming less valuable each year, and she believes that it will be to the best interest of all parties concerned to have a sale of the same and investment of the infants share, and her life interest in the property when sold computed and paid to her in full of all interest in the said estate which amount she hereby declares her willingness to accept, and upon which condition she does signify her willingness to have said farm sold free from all claims by reason of her life interest therein. Your respondent would be the heir at law and distributee of said infants, as she is advised in so far as the real estate in question is concerned, should they die intestate and under 21 years of age.

And now having fully answered she prays hence to be dismissed with her reasonable costs &c.

(Mrs. B. Sign by) Laura G. Butler

State of Virginia
Norfolk County, to-wit:-
This day personally appeared before the undersigned, Laura G. Butler and made oath that the statements as contained in the foregoing answer are true to the best of her knowledge and belief.
Given under my hand this 19 day of July 1898.

Notary Public.

Notice

To all whom it may concern:

The undersigned will file a petition in the Chancery Cause of ~~Butler~~ M.W. Butler Guardian V. Butler et als pending in Southampton Circuit Court, at the approaching April term asking the Court to order the fund under its control belonging to the infants Laura Estelle & Murdoch Butler to be paid over to M.W. Butler their guardian residing in Raleigh N.C.

Murdoch W. Butler,

March 10. 1902 by W. Lunsford Corbitt. Counsel.

5

4 times.

Southampton Democrat

LETTERS OF GUARDIANSHIP.—Clifton & Scarborough, Printers and Binders, Raleigh.

WAKE COUNTY:—In the Superior Court.

THE STATE OF NORTH CAROLINA,

To all whom these presents shall come—GREETING:

It being Certified to the Undersigned, *Clerk of the Superior Court for* Wake *County, that* Laura Estelle Butler and Murdock Butler

minor orphans, are without Guardian, and M. A. Butler *having applied for the guardianship of said minor children, and having been duly qualified as such.*

Now, these are therefore to Authorize and Empower *the said Guardian to enter in and upon all and singular, the goods and chattels, rights and credits of said minor orphans wheresoever to be found, and the same to take into possession, secure and improve, and further to manage said estate and every part thereof, for the benefit and advantage of the said minor orphans, and according to law.*

Witness, *my hand and the seal of said Court, this the* 18th *day of* April, 1901

Wm. Lee

Clerk Superior Court.

Every executor, administrator and collector, within three months after his qualification, shall return to the Clerk on oath, a just, true and perfect inventory of all the real estate, goods and chattels of the deceased, which have come to his hands, or to the hands of any person for him, which inventory shall be signed by him and recorded by the Clerk. He shall also return to the Clerk, on oath, within three months after each sale made by him, a full and itemized account thereof, which shall be signed by him and recorded by the Clerk.

Whenever further property of any kind not included in any previous return, shall come to the hands or knowledge of any executor, administrator or collector, he must cause the same to be returned as hereinbefore prescribed, within three months after possession or discovery thereof.

Every guardian shall, within twelve months from the date of his qualification or appointment, and annually, so long as any of the estate remains in his control, file, in the office of the Clerk of the Superior Court, an inventory and account, under oath, of the amount of property received by him, or invested by him, and the manner and nature of such investment, and his receipts and disbursements for the past year in the form of debit and credit. He must produce vouchers for all payments. The Clerk may examine on oath such accounting party, or any other person, concerning the receipts, disbursements, or any other matters relating to the estate; and having carefully revised and audited such account, if he approves the same, he must endorse his approval thereon, which shall be deemed *prima facie* evidence of correctness.—*The Code, Sections* 1396, 1398, 1617.

North Carolina }
Wake County }

I W. N. Reas Clerk of the Superior Court in and for the County of Wake State aforesaid hereby Certify that the foregoing is a true & perfect Copy of Letters of Guardianship this day issued M. W. Barber on the Estate of Laura Estelle Barber & Murdock Barber

In testimony whereof I have hereunto set my hand and Official seal on this the 8 day of April A. D. 1901

W. N. Reas
Clerk Superior Court

Amt of Bond $600
Surety. The Fidelity & Deposit Company of Baltimore Md

W. N. Reas
Clerk Superior Court

EX PARTE

Murdock W. Butler } Petition.

1902 April 8th.

Dales.

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

-----o-----

I, Laura G. Butler, wife of M. W. Butler and mother of Laura Estelle Butler and Murdock Butler, infants, and as such the next of kin and heir at law of my said two infants should they die under twenty one years of age, hereby express my willingness and give myconsent that the funds now under control of this court in the cause of Butler, Guardian, v. Butler et als. amounting to $264.18, may be turned over to M. W. Butler, guardian, of said infants, appointed as such under an order of the Superior Court of Wake County, in the State of North Carolina.

Given under my hand this 11th day of October ,1901.

Sign + return.

Laura G. Butler.

North Carolina }
Wake County }

I Geo. A. Oldham, a Notary Public in and for said State, and County, do hereby certify that on this day, Laura G. Butler, personally appeared before me, and acknowledged the due execution of the foregoing obligation of consent, for the purpose therein expressed.
Witness my hand and official seal, the day and date first above written.

G. A. Oldham
Notary Public.

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

-----O-----

Your petitioner, Murdock W. Butler, a resident of the City of Raleigh, in the State of North Carolina, respectfully represents that there is in the cause of Butler, Guardian, v. Butler et als., pending in the Circuit Court of Southampton County, the sum of Two Hundred and Sixty-four Dollars and Eighteen Cents ($264.18) belonging to Laura Estelle Butler and Murdock Butler, infant children of your petitioner and Laura G. Butler, his wife: that your petitioner, on the 18th. day of April, 1901, was duly appointed by W. M. Russ, Clerk Superior Court of Wake County, North Carolina, guardian of said infant children, having given bond in the penalty of Six Hundred Dollars, with security satisfactory to the said Court, a copy of which order is herewith filed as Exhibit "A": that he therefore respectfully petitions this Honorable Court to be allowed to receive, as such guardian, the funds belonging to his wards, Laura Estelle Butler and Murdock Butler, now under control of this court, as aforesaid, giving his receipt as such guardian for the same: that, as will be seen by reference to the chancery cause of Butler, Guardian, v. Butler et als., the person who would be heir of such infant persons, were they dead, is the mother of said infants, (Laura Estelle Butler and Murdock Butler), Laura G. Butler, and your petitioner herewith files with this petition a writing signed by her stating her willingness to have said funds transferred to the jurisdiction of the North Carolina Courts. Your petitioner is advised that no interest will be violated or the writing whereby said property is acquired in any sense defeated by granting your petitioner's request.

In consideration whereof your petitioner prays that the

said funds may be ordered removed in accordance with this petition, and that he may be allowed to receipt for and withdraw the funds under control of this court belonging to said infants Laura Estelle Butler and Murdock Butler; that all such other further relief may be granted to your petitioner as the nature of his case may require; that all such orders and decrees may be entered and accounts taken as may be necessary or expedient in the premises. And your petitioner will ever pray &c.

Murdock W. Butler
Guardian Laura E., & Murdock
Butler, Infants -
by W Lenore Herbitt
Sol.

Petition.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Laura G. Butler

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 1st Monday in August 1898 ~~next~~, to answer a Bill in Chancery exhibited against her sole, in our said Court by Murdock W. Butler Guardian of Laura Estelle and Murdock Butler

And this she shall in no wise omit under penalty of law. And have then there this writ.

Witness, L. A. GAY, Clerk of our said Court, at the Courthouse, this 27th day of July, 1898, in the 122 year of the Commonwealth.

TESTE:

L. A. Gay, C. C.

Copy. Teste: L. A. Gay C.C.

Acknowledge due receipt of the
Summons. July 27th. 1898.

Laura G. Butler, by
J. L. McKnow Atty.

Laura G. Butler

Butler's Guardian

vs. } Sum. in chy.

Butlers Infants. et als.

1898. 1st Aug. Rules
Leis. Ext.

Prince & McLemore. Sol.

Butler's Guardian

vs. } Statement of Rules

Butler's Infants et als.

Murdock M Butler Gdn of Laura Estelle }
and Murdock Butler } Plaintiffs
vs.
Laura G. Butler, and Laura Estelle }
and Murdock Butler, the last } Defendants } In chy.
two infants }

1898. 25th. July. Process issued to 1st. August Rules.
1898. 1st. August Rules. Process returned executed.
Bill and Exhibits filed.
Jno. N. Debrell Jr. appointed Gdn. ad-
litem to infant defendants,
Decree nisi vs adult defendant
1898. 2nd. August Rules. Bill taken for confessed
as to adult defendant and Cause
set for hearing as to her

The Answer of John N. Sebrell, jr., guardian ad litem to the infant defendants, Laura Estelle & Murdock Butler,

and the answer of the said infant defendants by their said guardian ad litem, to the bill of complaint exhibited against them and others in the Circuit Court of Southampton County by M.W. Butler, Guardian and other.

For answer to the said bill the said defendants by their guardian ad litem, answer and say, that being of tender years they do not know what their true interest is in relation to the subject matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interest to the care of this court. And the said guardian ad liten to the said infants, defendants, for answer to the said bill, answers and says, that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the said infant defendants.

And now having fully answered, these defendant pray hence to be dismissed withe their reasonable costs, &c.

Jno. N. Sebrell Jr.
G'd'n ad litem for Laura, Estelle & Murdock Butler

Subscribed & sworn to before me this 23rd day of August 1898.

B. F. McLemore
Comm'r in Chancery - Cir. Ct.

To, Laura G Butler, Laura Estelle, & Murdock Butler.
the last two infants by Jos. C. Sebrell, Gdn ad litem.

Take notice that I shall through my Counsel apply to the Judge of the Circuit Court of Southampton county at his Office in Suffolk, Va. on the 19th day of Septr. 1898, for a decree to be entered in Vacation in the Chancery cause of Butler's Gdn &c vs, Butler's Infant children.

Your obedient servant,

M. D. Butler Guardian
of Murdock & Estelle Butler
by Rivers & McSmoot
attys.

We acknowledge due and legal
service of this notice —
Octo 19th 1898.

Jno. C. Gebrell Jr.
Gdn ad litem
Laura G. Butler by
D. L. McLemore Atty

To Laura G. Butler, Laura Estelle & Murdock Butler, the last two infants by Jno. N. Sebrell Jr. their Guardian ad litem.

Take notice, that I shall through my Counsel apply to the Judge of the Circuit Court in Southampton Co. Virginia, in Vacation, at his office in Suffolk Va. on the 24th. day of Octo. 1898. for a decree to be entered therein, in the Chancery Cause of Butler's Guardian vs. Butler infants et als. preparatory to final decree—

Octo. 19. 1898

Yours obedient Servant.
M. W. Butler, Guardian
of Murdock & Estelle Butler &
Price & McElmore

$264.98 June 12th.,1908.

Received of J. B. Prince, Special Commissioner in the chancery cause of Butler, Guardian, v. Butler et als. the sum of Two Hundred and Sixty-four and 98/100 ($264.98) Dollars, same being the amount in his hands belonging to Laura Estelle and Murdock Butler, infants, and directed to be paid to me by an order of the Circuit Court of Southampton County entered April 8th.,1908.

M. W. Butler, Guardian

JAS. L. McLEMORE,
Attorney-at-Law,
SUFFOLK, VA.

No. 186 SUFFOLK, VA. June 13 1902

BANK OF SUFFOLK

PAY TO THE ORDER OF Rev. M. W. Burbage

Two Hundred & Thirty Nine 98/100 DOLLARS

Transfer appeals Butler Depot

$239.98 Jas. L. McLemore

Wm. Mann Co., Philadelphia.

PAID JUN 23 1902
BANK OF SUFFOLK
SUFFOLK, VA.

Rec'd June 13th 1902 of J.B. Price, Spec'l Comm. in Chancery cause of Butler Guardian vs Butler the sum of Two Hundred & Sixty Four & 98/100 Dollars $264.98 same being in his hands subject to the order of this Court belonging to Laura E. and Murdo Butler infants

M.W. Butler Guardian
by Jas L McElmore atty

I paid to M.W. Butler check for $239.98 and gave him a receipt for my fee for filing petition for removal of $25.00 out of which I paid the costs of the proceedings - See check herewith filed - dated June 3rd 1902 & paid by Bank of Suffolk June 24. 1902

Jas L McElmore,

TO THE HONORABLE ROBERT R. MARKIS, JUDGE OF THE CIRCUIT
COURT OF SOUTHAMPTON COUNTY.

Butler, Guardian,
v.
Butler et als.
REPORT

1902 Oct 7th. Filed

Your commissioner, to whom was referred the bill, answer and exhibits, depositions and proceedings in the above entitled cause, and to whom was also referred the petition of Junius Butler, guardian of James Butler and Murdock Butler, infants, to report a settlement of their estate, and to report to whom the fund in the hands of Junius Butler, guardian of James Butler and Murdock Butler, infants, belongs, and to report what amount, if any, is due by the said Junius Butler, guardian as aforesaid, to the said James Butler and Murdock Butler, infants, and to report any other matters which may be pertinent to the matters in controversy, and to report his opinion thereon, to which report exceptions may be filed by any party in interest, and to whom the cause was referred by decree entered in the clerk's office of this court on the 8th. day of April, 1902, page 288, in the chancery order book No. 4, of said court, and to which decree reference is hereby made for more particular statement of the matters therein referred to, your commissioner, after having given the parties or their counsel reasonable notice of the time and place of taking the accounts and hearing the evidence, has proceeded to do so, and has taken and stated the accounts and reported the evidence in writing, and now makes this his report.

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

Butler, Guardian,

v.

Butler et als.

The undersigned special commissioner, directed by a decree of the Circuit Court of Southampton County entered in the above entitled cause on the 8th. day of April, 1902, begs to report that pursuant thereto he has paid out to Murdock W. Butler, Guardian of Laura Estelle and Murdock Butler, infants, the Two Hundred and Sixty-four dollars and Ninety-eight cents ($264.98) in his hands as such commissioner, and herewith appends a receipt from said Butler showing said payment.

Respectfully submitted,

J. B. Prentis

Special Commissioner.

To, Laura G. Butler, Laura Estelle and Murdock Butler the last two infants by John N. Sebrell, Jr. their Guardian ad litem.

Take Notice, that I shall through my Counsel apply to the Judge of the Circuit Court of Southampton County in Vacation, at his office in Suffolk, Va. on the 24th. day of August 1898, for a decre to be entered in the chancery cause of Butler's Guardian vs, Butler infants et als. preparatory to a final decree ..

Aug. 23, 1898

Your obedient servant,

M. W. Butler, Guardian,
of Murdock & Estelle Butler &
Prince & de Lamore
Att'ys.

Wracknowledge due service of this notice.
Aug. 23. 1898.

Laura G. Butler
by J. D. W. Lemon her
attorney

[redacted]
Gdn ad litem

Butler's Guardian,

vs }

Butler's Infants

Sum. 25. 2 Copies 26. receipt 18. atty. 10. Docket 18= .97

Rule $1.50. Entering return 35. Fil. Bill 15. D°. Sum. 15= 1.65

D°. answer of Gdn. additum 15. D°. notice 15, Copy 24, 60= .90

D°. Comm's report 25. 2 Decrees & Copy $1.08 = 1.33

Taking Comm's bond & c, $1.40 Partition & Copy 40= 1.80

Filing away papers .25

Sept. 1898 Future Costs about $2.00 = 2.00

Paid by J.L. McLemore atty. 12/22/98 L. A. Gayle Cost. $8.90

Sheff- 0.00

Lawyer, 16.50

$25.40

Fee of Comr. W. F. McLemore 5.00

Oct. 18. L. 1898 $30.40

Rec'd. L. A. Gray C.C.

Bullen's Guardian

vs.

Statement of Evts

Bullen's Defendts

Butler's Guardian

vs. } Statement of Costs

Butlers Infants

Sumn. 25. 2 Copies 26. receipt 18. Atty. 10. Docket 18= .97

Rules $1.00, entering return 05. file. Bill 15. Sr. 15= 1.65

Do answer of Gdn. additions 15. Do. notice 15. Copy Sr 60= .90

Do. Comrs Report 25. 2 Decrees Copy $1.00 = 1.50

Entering Comrs Bond $1.40. Par costs Copy 40= 1.80

filing away papers 25= 25

Sept. 1898 Future Costs about $2.00 = 2.00

Clerk $8.90

Sheff. 0.00

Lawyer. 16.50

$25.40

Fee of Comr B. F. McLemore 5.00

Oct 18. A. 1898 $30.40

A Copy,

Teste L. A. Gay C.C.

Form No. 309.

Bettis Guardian
vs.
Bettis Infants

Prince J. B.

to } COMMISSIONER'S BOND.

Commonwealth.

1898. Oct. 1.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 309.

Know all men by these Presents, That we, J. B. Prince and Jas. L. McLemore

are held and firmly bound unto the Commonwealth of Virginia, in the sum of Twenty five Hundred Dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our seals, and dated this Sixth day of October one thousand eight hundred and ninety eight.

The Condition of the above Obligation is such, That if the above bound J. B. Prince shall faithfully perform the duties of his office or trust, as Special Commissioner under a decree of the Circuit Court of the County of Southampton pronounced on the 29th day of September, 1898, in the suit therein depending under the name and style of Butler's Guard'n Vs Butler's Infants et. als: and of any future decree that may be entered in said Cause.

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

J. B. Prince SEAL.

Jas. L. McLemore SEAL.

SEAL.

In the Clerk's Office of the Circuit *Court of the* County *of* Southampton.

This day Jas. L. McLemore

surety on the above bond, made oath before me, B. F. McLemore, Clerk of the Circuit Court of the County of Southampton

that his estate, after the payment of all his just debts, and those for which he is bound as surety for others and expect to have to pay, is worth the sum of Twenty Five Hundred dollars.

Given under my hand this 10th day of October, 1898.

Teste: B. F. McLemore, Clerk.

$840.00

Octo.24.1898. Received of J.E.Prince, special Commissioner, in the Chancery cause of Butler Guardian, vs, Butler 's infants et als. the sum of Eight Hundred and Forty & 02/100 Dollars, same being in full of my share of the funds coming into his hands from sale of tract of land sold under a decree in said cause on October 17th. 1898 at Courtland, for the gross sum of $1200. I having elected to take the present value of my life estate in same, paid down in cash.

Lyon Mn B. Loamo G. Butler

Statement of the Funds coming into the hands of the Special Commissioner in Butler's Guardian vs. Butler et als-

From sale of farm of 118 acres sold October 17th. 1898: sold to Laura G Butler-	$1200.00
Comr on $1200-	33.00
Posters,	1.50
Deed.	5.00
~~Attorneys~~	
Clerks Costs,	25.40
Comr. B. F. McLemore, report-	5.00
	69.90
	$1130.10
Less Attorney Fee	25.00
	$1105.10

33.
5.00
1.50
5.00
8.90
25.
$78.40

COMMISSIONER'S SALE!

By virtue of a decree of the Circuit Court of Southampton county, Va., entered in the chancery cause of Butler, Guardian, vs. Butler et als, the undersigned will sell at public auction,

On Monday, October 17th, 1898,

(COURT DAY), At Courtland

All of that certain tract of land lying near Berlin, Va., containing 118 acres, more or less, and bounded by the lands of A. W. Holt, S. H. Brittle, and the Berlin and Ivor road, it being property formerly belonging to G. G. G. Brittle, deceased. TERMS CASH.

OCTOBER 1, 1898. **J. B. PRINCE, Special Commissioner.**

In the Clerk's Office of Southampton Circuit Court—Butler's Guardian vs. Butler et als.

I hereby certify that the bond required in the above entitled cause has been executed by the Special Commissioner with security deemed sufficient by me.

Given under my hand October 1, 1898.

L. A. GAY, Clerk of Circuit Court.

To the Hon. Robert R Butts, Judge.

In the Chancery Cause of Butler Guardian vs. Butler et al. the undersigned begs to report as follows: In pursuance of a decree entered on Sept. 29th 1898, in the above mentioned cause, the undersigned after due legal notice of the sale exposed to sale the tract of land in the bill mentioned consisting of 118 acres, (one tract of 108, and one other tract adjoining of 10 acres) to public sale at Courtland, on October 17th 1898. County Court day. at which sale Mrs Laura G. Butler became the purchaser by bidding therefor the sum of $1200.00 which amount she is now ready to pay in cash. Your Commissioner thinks the sale a good one and recommends its confirmation.

The Commissioner also reports that of the $1200.00 collected by him after paying the costs of this suit, and amounting to $94.90 the remainder, will pass as follows:

The life tenant Mrs Laura G. Butler who elects to take her share in cash she being 36 years of age, will receive. $840.00

The Infants of Laura G. Butler, are entitled to the remainder of $264.98

This $264.98 is in my hands, awaiting disposition by the Court. J. L. McLemore

Amount to be divided: $1105.10

The Commissioner also reports that Mrs

Laura G Butler desires to borrow $600- on this property in order that many needed repairs may be make on the farm, and desires also that the $264.98, due the infants may be also invested therein as a debt subsequent to the $600- loan- from the testimony of the witnesses and the price at which the property sold, it would seem to the Commissioners that this would make the infants interest secure, certain, for the present.

Respectfully Submitted.
I. B. Palmer
Special Commissioner

Butler, Edwin
vs
Butler et al
Report of Sale

Oct. 24th. 1898.
filed.

Bullen's Guardian

vs. { Copy G. G. G. Braillis Wife
Ex. "A"

Bullen's Infants et als.

I. G. G. G. Brittle of the County of Southampton, State of Virginia. being of a sound and disposing mind, do make and declare this to be my last Will and Testament, in manner and form following:

1st. I give and bequeath to my son John W. Brittle. Eight Hundred and seventy five Dollars ($875.) out of the bond which I hold against him. to him his heirs and assigns forever.

2nd I bequeath and devise to my daughter Laura G. Butler the farm now occupied by her which I value at Eight Hundred and Seventy five ($875.) for her use and benefit during her life and after her death to be divided between her living children, to them, their heirs and assigns forever.

3rd. I give bequeath and devise to my grand daughter Amy Bradshaw, the Stonehouse and all the land thereto attached which I also value at Eight Hundred & Seventy five ($875.) known as the Cross roads tract to her and heirs and assigns forever. The remainder of my estate after paying my just debts I wish divided between my son John W. Brittle, my daughter Laura G. Butler and my Grand daughter, Amy Bradshaw. to them and their heirs forever.

Given under my hand and seal this the 13th. day

of September Eighteen hundred and ninety-three, and in the presence of

Thos L. Bain G. G. G. Brittle (Seal)

B. N. Laine

T. A. Holt

Southampton County Court: Oct. Term 1894

A writing purporting to be the last Will and Testament of G. G. G. Brittle, decd. was produced in Court and proved by the oaths of Thos. L. Bain, B. N. Laine, and T. A. Holt, the Subscribing Witness thereto and ordered to be recorded as the last Will and Testament of the said G. G. G. Brittle decd. and on the motion of John W. Brittle who made oath according to law, and Together with T. A. Holt, M. W. Butler, S. L. Boykin and J. E. Boykin as his securities who justified on oath as to their sufficiency, entered into and acknowledged a bond in the penalty of Twenty Five Hundred Dollars, Conditioned as the law directs, which bond is ordered to be recorded. Certificate is granted the said John W. Brittle, for obtaining Letters of Administration on the Estate of the said G. G. G. Brittle, decd. with his Will annexed, in due Form. And on the further motion of said Administrator, J. E. Boykin, S. L. Boykin and T. A. Holt are appointed appraisers, who being duly qualified, will appraise the estate of said decedent, and return the same under their hands as the law directs.

Test: B. A. McLemore C.C.

A Copy Test: L. A. Gay C.C.

ESTABLISHED IN 1880. SUBSCRIPTION PRICE $1 PER YEAR.

THE SOUTHAMPTON DEMOCRAT.

W. H. STROUD, Publisher.

Circulates Throughout Southampton, Adjoining Counties
And Eastern North Carolina.

JOB PRINTING IN ALL ITS BRANCHES.

Franklin, Va., April 9 1902

This is to certify that the attached notice of M. W. Butler was published four consecutive weeks in the Southampton Democrat.

W. H. Stroud

NOTICE!

TO ALL WHOM IT MAY CONCERN.

The undersigned will file a petition in the chancery cause of M. W. Butler, guardian, v Butler et als., pending in Southampton Circuit Court, at the approaching April term, asking the Court to order the funds under its control belonging to the infants, Laura Estelle Butler and Murdock Butler, to be paid over to M. W. Butler, their guardian, residing in Raleigh, N. C.

MURDOCK W. BUTLER,
by McLemore & Corbitt, Counsel.
March 10th, 1902. mr18-4t

FRANKLIN, VA., April 9 1902

Messrs. McLemore & Corbett
Comm

In account with SOUTHAMPTON DEMOCRAT,

W. H. STROUD, Publisher.

LARGE CIRCULATION.. $1.00 PER YEAR.

1902

Mar	13	To publishing 1 3/4 inch notice signed Murdock W. Butts 4 T		3	30	

We acknowledge due legal service of this notice. Sept 5. 1898.

M W Butler } by J S McFee
Laura G. Butler } mo. atty.

Jno. F. Allen Jr.
Guardian ad litem

Butler's Guardn
v } Notice
Butler et al:

1898. Sept 5: gms

Hand to Sapp. Attle him to always insist upon the Ad litem in his motions.
J.F.A.

COMMISSIONER'S OFFICE,

Courtland, Va., Sept. 1st 1898

To M. K. Butler Guardian,
Laura G. Butler, & Laura Estelle & Murdock Butler-
the last two, infants; by John N. Gibbell Jr. Guard ad litem.

You are hereby notified that I have fixed upon the 9th day of September 1898 ~~next~~, if fair, if not, the next fair day thereafter (Sunday excepted) to take and settle, at my office, the following accounts, to wit:

1st:- Whether the interest of the infants will be promoted by a sale of the property in the bill mentioned - or of any part thereof - and the proceeds invested in other property.

2nd - The fee simple and Annual value of said property.

3rd - Whether the rights of any parties will be violated by such sale.

4th - Whether there are any delinquent taxes against said property

Any other matter specially stated deemed pertinent.

required to be taken by a decree of Southampton Circuit Court, rendered in vacation at the 24th August ~~term~~. 1898, 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 said Court the day and year first aforesaid.

B. F. McLemore, Commissioner.

To the Sheriff of Southampton County to execute.

The deposition of J. W. Baillio and others, taken before B. F. McLemore, Commissioner in Chancery of the Circuit Court for Southampton County, pursuant to a decree of said Court, entered in Vacation - on the 24 day of August 1898 - in the Chancery Cause of M. W. Butler, Guard'n, &c - Laura G. Butler & als: Sept 9. 1898.

Present: Prince & McLemore, Attys:
Jno. N. Sebrell Jr. G'd'n ad litem.

The Witness - J. W. Baillio, being duly sworn, deposes as follows:

Q: What is your Age, residence and occupation, and do you know the parties to the suit?

A: My Age is 39 years - reside in Southampton Co, a farmer by occupation. I know the parties to the suit - and the land in the proceedings mentioned.

Q: Will the interest of the infants be, or not be, promoted by the sale of the property in the bill mentioned - or any part thereof, and the proceeds invested in other property?

A: I think it would be better to sell the property, provided the proceeds are properly invested - the buildings are getting in bad shape - in need of repairs - and will have to be repaired, very soon, by some one - the land, ~~is~~ being rented out, is getting poorer - the parties, living in Berkeley, can not give it proper attention - All things considered - I think it will be best to sell.

- over -

Q: What is the fee simple and annual value of the land?

A: The tract contains 118 Acres and is worth, in my judgment, about twelve hundred ($1200.) dollars and $60.00 is a fair annual value, but is more than the parties are realizing.

Q: Will the rights of any party be violated by such sale?

A: I should say not.

Q: Are there any delinquent taxes due on the land.

A: None, to my knowledge.

And more this deponent saith not.

J.W. Brittle

The Witness C. N. Bradshaw, being duly sworn, deposes as follows:

Q: What is your age and occupation. do you know the parties to this suit and the tract of land in the bill mentioned?

A: My age is 35 years. Am an Insurance Agent. Know the parties to the suit, and the land in the bill mentioned.

Q: State whether or not, in your judgment, it will be to the interest of the infants, to sell the land in the bill mentioned - or any part thereof - and invest the proceeds in other property?

A: I think it would promote the interest of the infants to sell the land, provided the proceeds are safely and properly invested. the owners of the land reside in Berkeley. too far from the property to give it the

necessary attention - Consequently the farm and buildings are depreciating in value - and is likely to continue to depreciate under the tenant system in this County.

Q: What, in your judgment, is the fee simple and Annual value of the said land?

A: I think the farm is worth, in fee simple, about $1500.00 - and I would estimate the annual value at $60.00.

Q: Do you know whether any party to the suit would like to purchase this property as a whole or in part?

A: I do not know.

Q: In event of a sale of the land, would the rights of any party be violated?

A: I think not.

C. N. Bradshaw

Taken and subscribed before me, Sept. 9th 1898.

B. F. McLemore
Com'r in Chancery

The above annexed interrogatories were agreed to by me.

Jno. C. Struve Jr. &
Guardian ad litem.

Virginia, In Vacation, in the Circuit Court of Southampton County, August 24th. 1898.

M. W. Butler, Guardian.

vs

Laura G. Butler and Laura Estelle and Murdock Butler Infants.

This day this cause which has regularly matured at rules came on to be heard upon the bill and exhibits filed, answer of infant defendants by John N. Sebrell Jr. Guardian ad litem, duly assigned at rules, the answer of Laura G. Butler the adult filed at rules, with general replication to each of said answers, upon due & legal notice of plaintiff's intention to apply for this decree this day, given to all parties, 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 this Court with directions to enquire and report,

1st. Whether the interest of the infants will be promoted by a sale of the property in the bill mentioned, or of any part thereof, and the investment of the proceeds of sale in other property, and its fee simple and annual value.

2nd. Whether the rights of any person will be violated by such sale.

3rd. Whether there are any delinquent taxes on said real estate.

4th. Any other matters specially stated deemed

pertinent by the Commissioners, or required to be stated by any interesting party.

A copy. Teste: L. A. Gay b.b.

Entr Camp. 24, 1898
Robert P. Prentiss

Ent'd Page 221.

Entr Guardian
75 Deeds
Entered Leyland

Commissioner's Office,
Courtland, Va.
Sept 9th 1898.

To the Circuit Court of Southampton County:
Pursuant to a decree of said Court entered in vacation, on the 24th day of Augt. 1898. in the Chancery cause of Butler, Gdn & Butler's Infants, et. al: the undersigned Commissioner, reports to Court - that on the 1st day of September 1898, he issued Notice against the parties to the suit - requiring them to appear before him, at his Office, in Courtland, on the 9th day of September 1898. at which time and place he should proceed to take the Accounts specified in the aforesaid decree; that legal service of said Notice has been acknowledged, and is filed herewith - and after taking the depositions of J. N. Brittle and B. N. Bradshaw, as Witnesses - who are gentlemen of sound judgment - and familiar with all facts and circumstances of the case - he proceeded make, and submit the following report:

1st: That the interest of the infants will be promoted by a sale of the property in the bill and proceedings mentioned - and the proceeds arising therefrom judiciously invested in other property, under an order from this Court.

2nd - The fee simple value of the said land is estimated by one of the Witnesses at $1200.00, and by

the other witness at $1500.00., the Commissioner is of opinion that $1200.00 or $1250.00 is a fair value of the land. The Annual value is estimated at $60.00.

3d. The rights of no person will be violated by the sale.

4th. There are no delinquent taxes against the said property.

The attention of the Court is directed to the copy of the decree directing this report, the Commissioner's Notice of the time and place of taking the same, and the deposition of the witnesses upon which it is based., all of which are filed herewith.

Respectfully Submitted.

B. F. McLemore,

Clerk in Chancery.

Commissioner's fee $5.00.

Butler, Guardn

vs } Report.

Butler's Infants. et. als:

1898. 9th Sept. Filed

L. A. Gay C.C.

J. L. McLemore Special Comr. in suit
of [redacted] et als vs. Holmes et als

1900. Oct. 10	To Costs in said suit	$ 26
" " "	By Cash paid this day	7 27
	To balance due	99

There was an item for further costs of 1.50 in suit,
$1 costs deducted from this amount left 99¢ due
by in settlement there have been 3 continuances
on the docket making 75¢ actually
done by J. L. McLemore, he having given
himself credit for the whole amount of
Costs in his settlement as Special Comr

1902 Oct 7

Dublin Ed.

No 3 Branch

Pontiac Company

Enter Aug 24, 1875

Robert Patterson

Virginia, In Vacation, in the Circuit court of Southampton County, August 24th. 1898.

M.W.Butler,Guardian .

vs .

Laura G. Butler and Laura Estelle and Murdock Butler Infants.

This day this cause which has regularly matured at rules came on to be heard upon the bill and exhibits filed,answer of infant defendants by John W. Sebrell,Jr. Guardian ad litem,duly assigned at rules,the answer of Laura G. Butler the adult filed at rules, with general replication to each of said answers,upon due and legal notice of plaintiff's intention to apply for this decree this day, having been given to all parties,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 this court with directions to enquire and report,

1st. Whether the interest of the infants will be promoted by a sale of the property in the bill mentioned,or of any part thereof, and the investment of the proceeds of sale in other property, and if for simple and annual value

2nd. Whether the rights of any person will be violated by such sale;and.

3rd. Whether there are any delinquent taxes on said real estate.

4th. Any other matters specially stated deemed pertinent by the Commissioner,or required to be stated by any interested party.

Robert R. Daniel

To the Clerk of the Circuit

Court of Southampton county.

Butler's Guardian

vs.

Decree

Butler's Infants.

Entered, September 29th 1898.

Robert D. Lewis

Virginia, In Vacation in the Circuit Court of Southampton County.

September 29th.1898.

Butler Guardian,

vs.

Butler's Infants et als.

This day this cause came on again to be heard upon the papers formerly read,and upon the report of Commissioner B.F.McLemore,filed September 9th. 1898,to which no exceptions have been taken,upon due and legal notice given to all parties hereto of plaintiff's intention to apply for this decree,and was argued by Counsel. On consideration whereof,and it appearing from the said report of Commissioner McLemore,that it would be to the interest of the infants and all other parties to have the land in the bill and proceedings mentioned,sold,and the proceeds invested under the supervision of this court,doth adjudge order and decree that J.B.Prince, James.L.McLemore, who are hereby appointed special commissioners for the purpose,either of whom may act,do proceed after advertising the time, place and terms of sale for 15 days ,to expose the said tract of land described in the plaintiff's bill to public sale,at Courtland,Va.upon the following terms to-wit:- One third cash,remainder in two equal installments,payable in one and two years from day of sale with interest from said date of sale,title to be retained till all of the purchase money is paid with option to the purchaser to pay the entire purchase price in cash and take a deed upon the confirmation of the sale by the Court.

But before the said Commissioner shall proceed to act hereunder,he shall enter into a bond before the Clerk of the Circuit Court in the penalty of $2500. with approved security,and conditioned for the faithful performance of this or any future decree that may be entered herein.

To the Clerk of the Circuit
Court of Southampton County.

Robt R Davis

a deed with special warranty for the land purchased by her.

Robert Ellis.

To the Clerk of the
Circuit Court of
Southampton County.

Butler Edw.
to
M. J. Deasee
Bullets ex. ads.

1898. Oct. 24th.
Entd
Robert Ellis.

Ex. Lists Page 238-

Virginia

In vacation, in the Circuit Court for Southampton County, October 24, 1898.

Butler, Guardian,

vs.

Butler et als.

This day this cause came on again to be heard upon the papers formerly read, upon the report of Special Commissioner J. B. Prince, filed this day, reporting sale of the real estate in the bill and proceedings mentioned to Laura G. Butler for $1200 - to which report no exceptions have been taken, upon due and legal notice given to all parties and to the purchaser of plaintiffs' intention to apply for this decree in vacation, and was argued by Counsel. On consideration whereof the Court doth confirm said report, and doth adjudge order and decree that the sale as therein reported be held firm and binding; and that the said special Commissioner J. B. Prince, out of the funds in his hands after paying a fee of $25.00 to Prince & Holmes, attorneys, and the legal costs of this suit, distribute as follows: pay to Laura G. Butler $1840.01, in full of her life estate in said property, and $264.98, the share belonging to the infants of said Laura G. Butler, said special Commissioner shall retain in his hands subject to the further order of this Court. And said Special Commissioner will execute to the purchaser

Butler, Guardian,

v.

Butler et als.

Enter April 8 1902.

Entered on page 424.

Butler, Guardian,

v.

Butler et als.

This day this cause came on again to be heard upon the papers formerly read, and upon the petition of Murdock W. Butler, Guardian of Laura Estelle Butler and Murdock Butler, infants, duly filed this day by leave of court, upon a writing signed by Laura G. Butler and filed this day along with said petition, consenting that the prayer of said petition may be granted, and was argued by counsel.

upon notice of this application duly published once a week for four successive weeks in the Southampton Democrat a newspaper published in the County of Southampton

On consideration whereof, and it appearing to the court from said petition and exhibits therewith filed, that Murdock W. Butler, a resident of Wake County, in the State of North Carolina, has duly qualified as guardian of said infant children with a bond in sufficient penalty to protect the funds under control of this court belonging to them, and which will probably be received by him, doth adjudge, order and decree that J. B. Prince, Special Commissioner, do pay over to the said guardian the sum of Two Hundred and Sixty-four and 98/100 ($264.98) Dollars, the amount in his hands as shown by report of October 24th., 1898, as belonging to said infant children, taking his receipt therefor. And the said Special Commissioner will report to court.

Butler, Guardian
v.
Butler et als.

1902 Octo. 17th.
Entered
Robert R. Bailes

Entered.
Page. No. 451.

Butler, Guardian

v.

Butler et als.

This day this cause came on again to be heard upon the papers formerly read, and upon the report of J.B. Prince Special Commissioner reporting payment of funds in his hands belonging to the infants Laura E. and Murdock Butler to M. W. Butler their guardian, filed this day, supported by vouchers, and to which no exceptions have been taken, and was argued by Counsel-

On Consideration whereof the Court doth confirm said report, and nothing further remaining to be done in this cause the same is ordered to be removed from the docket-