1824034 SOUTHAMPTON COUNTY CHANCERY PAPERS SUMMERELL VS BOYKINS etal

8/1824

other SURNames; Urquhart

Summerell

vs.

Boykins &c

Bill & Answers

Aug. 1824 Int. decree

Depart

To the worshipful Court of Southampton in Chancery
sitting. Humbly complaining sheweth unto your
worships your orator Silas Summerell That some
time in the year your orator purchased
a tract of land lying in this County of a certain
William J Boykin containing two hundred
acres, paid in part of the purchase money the
sum of five hundred dollars, as will more
fully appear by a receipt hereunto filed as a
part of this bill and marked A. and was put
into possession of the said land by the said
William J Boykin, and has remained in
possession of it from that to the present time
No stipulated price for the said land was agreed
upon between the parties, but it was mutually
understood that your orator was to give
for it a fair valuation. The contract in relation
to the said tract of land remained in this situ-
ation until the death of the said William
J Boykin, which took place in the summer
of the last year. The said William J Boykin
died intestate, leaving a widow Dorcas A.
Boykin, and three infant children, Mary E,
William J and Ann W. W. Boykin, and a
certain James B. Urquhart hath taken out
letters of administration upon said decedents
estate. The land so as above purchased is of
very common quality and supposed not to be
worth more than 20/ p acre, which your
orator is willing should be fixed upon as
the price which he should pay for the same
your orator is advised that under the above
recited circumstances he is entitled to

same in a Court of Equity where matters
of this Kind are properly cognizable to the
end therefore that justice may be done he
prays that the said Dorcas A Boyken widow
as aforesaid, and the aforesaid infants and
heirs at Law to the said William J Boyken
by some friend to be appointed by this Court to
defend them in this behalf, and the said
James B. Urquhart admr as aforesaid may
be made defendants hereto and be compelled
to answer directly and singular the allegations
herein contained, and that as fully and un-
=reservedly as if the same were herein again
specially repeated and they as to each parti-
=cularly interrogated. your orator further prays
that this Court would decree such
decree in the premises as might eventually
accrue to him a title in the said lands and
grant such other and further relief in the
premises as might be consistent with
principles of justice and equity. And as in
duty bound he will ever pray &c

Boyhin
adv
Summerell
Answer.

To the worshipful Court of Southampton in Chancery sitting. The Separate answer of Dorcas A Boykin widow of William J Boykin to the bill of Complaint exhibited against herself, Mary E, William J, and Anna B C Boykin infant heirs of William J Boykin dcsd, and James B Urquhart adm'r of said William J Boykin dcsd by leave and Summerell - This respondent reserving to herself all benefit of exception to any errors or imperfections contained in said bill for answer to so much thereof as she is advised is necessary for her to answer, answering saith. That she believes the facts stated in said bill are true, and that she is willing that her power in said Court should be executed into such an absolute extent as money arising from the sale of the said land, or may by this Court be deemed an equivalent for her dower estate in the same. And having answered the prayer of the bill dismissed &c.

Jas. B. Urquhart
for
Dorcas A. Boykin

Boyhinsle
adv
Summerell
Answer

To the worshipful Court of Southampton in Chancery sitting. The separate answer of James B Urquhart adm. of William J Boykin dec'd to the bill of complaint exhibited by Silas Summerell against Dorcas A Boykin widow of said William J Boykin dec'd, Mary E. William J. and Anna M. A. Boykin infant children and heirs at Law of the said William J Boykin dec'd and herself.

This respondent having fully answer & saith he believes the said William J Boykin in his lifetime did receive from the complainant the sum of five hundred dollars in part payment for the tract of land mentioned in the bill, and he has no reason to doubt the truth of any of the facts stated in the bill and having answered he prays to be hence dismissed &c.

Jas. B. Urquhart adm of William J. Boykin dec'd.

Boston
ads
Summerell
Antwerp

To the worshipful Court of Southampton in Chancery sitting. The joint and separate answers of Mary E Boykin, William J Boykin, and Ann W. W. Boykin infant children and heirs at law to the said William J Boykin dec'd by their next friend John Wrightsart to the bill of Complaint exhibited against Dicey A Boykin widow of said William J Boykin, themselves and James B Wrightsart adm'r of said William J Boykin dec'd by leave of Court first had and obtained.

These respondents severally reserving to themselves all benefit of exception to the many errors & insufficiencies contained in said bill of answer to as much thereof as they are advised is necessary for them to answer. say.

That they have no reason to doubt the correctness of any fact stated in said bill and that they are perfectly willing to submit to any decree which this Court may think it right to pronounce in the premises and having answered they pray to be hence dismissed &c.

Jas. B. Wrightsart
for
Jno. Wrightsart

Dinner

Summerell. Pltff
&
In Chancery.
vs
Boykin &c. Defts

This cause coming on this day docketed by consent of parties and agent of the Court and was heard on the bill, answers, exhibit files and arguments of Counsel. Whereupon it appearing to the Court here that ~~Thos~~ the complainant Silas Summerell did purchase of William I Boykin in his lifetime a tract of land in this County containing 200 acres and was put into possession of the same by the said Wm I Boykin in his lifetime and paid in part for the said land the sum of $ 500. And it appearing that the said land is not worth more at a fair and just valuation, than 20/ pr acre. it is therefore adjudged ordered and decreed that the said Silas Summerell the complainant pay the sum of fifty pounds virginia currency to the guardian of the infant defendants, except one Deft Thos, which is adjudged to the dft Dorcas in lieu of her dower in said land And it is moreover ordered that the said Dorcas do make to the said complainant a legal conveyance of her dower right in said land and that the infants defendants do respectively as they arrive to the age of 21 years make a legal conveyance in fee simple of their right in said land to the complainant Silas Summerell And six months are reserved to the infant defendants after they arrive to Counsel as to confirm this decree.

Summerell
&
Boykins &c. } Int.
& Decree
a Copy —

Southampton County August Court 1824

Silas Summerell ..... Complainant

against

Dorcas A. Boykin widow of William J. Boykin decd and Mary E Boykin, William H Boykin and Ann W. H Boykin infant Children and heirs at law of the said deceased William J. Boykin by their next friend John Norquhart appointed by the Court to defend them in this Suit and James B Norquhart administrator of William J. Boykin, deceased ..... Defendants

In Chy

This cause was this day docketed by Consent of parties and upon motion of the Court and was heard on the bill, answers, exhibits filed and arguments of Counsel, Whereupon it appearing to the Court that the Complainant Silas Summerell, did purchase of William J Boykin in his life time a tract of land lying in this County containing two hundred acres and was put into possession of the same by the said William H Boykin in his life time and paid in part for the said land the sum of five hundred dollars, and it appearing that the said land is not worth more at a fair and just Valuation more than Twenty shillings per acre, it is therefore adjudged, ordered and decreed that the said Silas Summerell the Complainant pay the sum of Fifty pounds Virginia Currency to the guardian of the infant defendants, except one fifth thereof, which is adjudged to the defendant Dorcas in lieu of her dower in said land. — And it is moreover decreed, that the said Dorcas, do make to the said Complainant a legal Conveyance of her dower interest in said land, and that the infant defendants do respectively as they arrive to the age of Twenty one years make a legal Conveyance in fee simple of their interest in said land to the Complainant Silas Summerell and six months are reserved to the infant defendants after they arrive to lawful age to Contest this decree

Test A. Middleton D.C.

Received 22d February 1822. of Silas Summers the
Sum of One hundred dollars on acct of a tract
of land, which I have sold him, adjoining him
making in the whole I have received of him
One thousand five hundred dollars

William J. Boyleston