1871-008
Nansemond Co. (Suffolk)

Chancery Causes: Anthony R. Boykin vs Anna Boykin Infant etc

Elliott, Lee, Parham

Boykin

Ch: Notes

Boykin

1867. July: 12th: Summ. in Chy: issued

" March 4th: Bill filed — P. B. Prentiss appears for Defts: and Solrs for Defts: who filed their answer, to which there was a general replication & cause set for hearing on Mo: of Complts atty

" April: 16th. Decree for sale.

" Aug: 12th: Comm'rs Bond executed filed (Octo: 15) Report filed — & confirmed

1868. April: 22. Petition of D. M. Lee filed (to correct a mistake) & same continued

" Octo: 14th. Continued (1869. April: 20th) Decree making A. M. Lee & Smith, Trustees, & appointing C. H. Hayden, Sole Comm'r: To collect & distribute fund — & make deeds to purchasers. (April: 21) Comm'rs Bond (Hayden's) executed filed & (Octo: 14) continued

1870. April: 18th: Report filed (20th) confirmed (Octo: 18th) continued.

1871. Feb: 13th: Report (2nd) of Comm: Hayden Filed

" Apl: 13th: Final Decree.

Atty: Notes

To the Hon: Richd H. Baker judge of the Circuit Court of Nansemond County: In Chancery sitting, humbly complaining sheweth unto your honor, your orator Anthony R. Bagley Hon - That about the first of the year 1861, One Jno R. Elliott departed this life in Suffolk Nansemond Co, (at his residence there), leaving a widow Sarah Elliott (who has since departed this life), without issue, and leaving as his heirs at-law, your orator, and Bettie, Evelyn, Anna, Richard E. & Mary E. Bagley (all then under age except probably your orator,) - who were the Nephews & Niece of the said Jno R. Elliott aforesaid: That since the decease of the said Elliott, both Bettie & Evelyn have died, unmarried & without issue, under the age of twenty one years - leaving as their heirs at law, your the surviving brothers and sisters. That the said Elliott died seized of the following real estate located in Nansemond County: viz. a farm called "Creecy" made up of two parcels: one a parcel of 100 acres bought of W. C Parham: and the other the "Creecy" tract of 200 acres: both now going under the name of the "Creecy" farm. (They should be sold separately) - and a lot of 1 acre near the public Road & about 4, or 5 miles from Somerton. The land on the "Creecy" tract, are tolerable good - but going rapidly down, as the farm is generally and will so continue. It rents for $40. The Value of the is or may be, about 5 or $700: not worth half so much as it was before the War, or what Elliott gave for it - That ~~he is advised~~ that probably ~~may be made good if so without detriment to the interests of the parties,~~ partition that it be done: ~~Though~~ he is advised by persons living near, and friends of his dec'd Bro & sisters, that a division would be very decidedly injurious, and that it should by all ~~every consideration~~, be sold, and the proceeds divided equally between himself and said Bro & sisters. And your orator

The reason for this sale thereof is the pecuniary condition of the heirs. Though your orator receives a good practice as a physician in a section of Isle of Wight where the people have been noted as prompt in payment, yet he does not realize enough money, to supply his family with necessary groceries, barely enough to keep up his stock of medicines. His sister Anna was 18 years of age: and his brother Richd E. is about 15 years of age, and Mary E. Boykin is about 13 years old and entirely destitute of the means of living, or procuring necessary clothing. Richd & Mary should both be at school, as neither have been since the War, except Mary for a few months. Their property consist now, (they were before the War very independent) of some Bonds executed before the War, but by reason of the Stay Law, they are unable to realize a dollar, so it will be perceived how deplorable their condition is. Why then should the Land a fortune remain untold & going to decay, while the owners are in want of every thing, and no available means to procure them. Besides Richd is doing nothing, as no money can be had either to send him to school, or to get into any business even if an opportunity offered. He has the assurance from his old Preceptor, Mr Harrison of Smithia, that if he can procure enough to pay his board, or tuition (the latter he believes), that he Mr. Harrison, will trust him for the other, but no hope results from his interest in the proceeds of the sale of the real estate herein named. Obviously the necessity of the parties, their absolute destitution, and anxiety in regard to the future demand a sale of the Land. His sister & brother are & have been staying, living, rather breathing only, with your orator, for oftentimes he has neither flour, sugar or coffee. Your orator is informed by R. H. Whitfield & that he learned that during the ~~early part of this~~ Jan 1861, either at the April & October term of this Court, a decree for the sale of this very estate was obtained after having been duly reported on by Commissioners previously appointed: the Commissioners stating the impracticability of a partition, but advised a sale which was accordingly decreed.

But all the papers in the cause were destroyed by the destruction of the Record with the Clerks office in conflagration by fire. Your orator therefore prays that that decree for a sale be at once carried out, by renewing the same. Your orator is without adequate remedy save in this Hon: Court. To the End therefore that justice may be rendered, he prays that Anna E, Richd E & Mary E Boykin, all of whom are minors under 21 years of age, be made parties defendant to this Bill, and by their Gd ad litem to be appointed for them, answer the same - that the Land be sold, and all further relief be granted in the premises that may seem meet and fit in the premises - & grant &c. &c. &c.

A. R. Boykin

By R. H. Whitfield & C

State of Virginia

Nansemond County. To wit

The undersigned, Robt H. Whitfield, and Peter B. Prentis, appeared before me Thos. Seabrook a Notary Public in said County, and made oath that the facts set forth in the Bill above, as to the institution of a suit in Chancery, in the County aforesaid, the reference of the matter under a decree, to the Commissioner to report, as to the advantage or disadvantage of selling, or dividing the said Land - that the said Commissioner did report that the interests of all parties would be promoted by a sale of the premises: and that a decree for the sale of the premises was entered by this Court: and that all the papers in the cause were destroyed with the Records in the Clerks Office of said County: and the said Whitfield further states, that to the best of

of R. I. & C. R. R. Co. — But his order has been killed, and the Com
pany do not intend to pay any R. R. Co. owning stock in the
Union Depot Co. of East Providence

18th day of October 1867

Notary's fee $1.50.

N. L. Riddick
N. P.

Boston
Bills &c
Electricity Rain

Rec'd 4th March 1868

To the Hon: Richd. K. Baker Judge
of the Circuit Court of Nansemond Co:
The joint & separate answer of Anna, Richd E,
and Mary E. Boykin, by Peter B. Prentis their
g.d. ad litem, to a Bill filed against them
by A. R. Boykin in this Hon: Court--

These respondents by their said guardian ad
litem, saving & excepting &c for answer to so much
of said Bill as they are advised it is any material
for them to answer, answering, say that, they are minors under
21 years of age, and beg leave to submit their interest to the protec-
tion of this Hon: Court: & having answered pray hence &c.

Peter B. Prentis
g.d. ad litem

Boykin

vs } Answer of infants

Boykin by guar. ad litem

Boykin
vs
Eldridge et al

filed 4th March 1867 ck

Baykin

Baykin et als

This cause this day came on to be again heard on the papers formerly heard & on the 1st & 2nd Reports filed respectively April 18th 1870, & Feby 13th 1871, of C B Hayden Commissioner for Collection & Distribution under the decree herein of April Term 1869 & was argued by counsel, On consideration whereof the court doth adjudge order & decree that said Reports to which no exceptions were filed be confirmed & that this suit be removed from the Docket —

Bayliss
vs
Bayliss & als.

Rough Sketch
April Term 1811

To be entered

Geo. Bacon

Edenton st &
Oct the 8th 1864

Mr Peter B. Prentiss

My dear friend

Concerning of that piece of land please do not forgit me, and let it pass, for it be- greater mistake to let pass. a portion in the favor of a Rich man who ~~heirs~~ do not need it and mind my heirs are all peace. god says in his word what soever, you give to the poor you lend to him also; but this would only be giving me my own. my dear friend you will hand this to Mr Whitfield and please to explain the case to him for your humbling Servant, for you know all about it please tell Mr Whitfield that Every man that bids bid for me, through amis- take, the piece of land is sold to-

be worth about from 6 to 8 dollars and Mr Prentiss you my dear friend, know all about it only 3/4 of an acre nothing in the world on it but one old log house the rails on it is to be taken away Mr Ed. Smith rented the old house out to a man for so much per year and gave him writing that he might take it away, all that he put on it if the land was sold in five years and he claimes the rails for he had to buy the timber to make the rails for. tha is not a tree on it, nothing on it but pine bushes, Mr Prentiss please tell Mr Whitfield how I have been treated about that piece of land you know that I bought the same piece of land in 1861 of the man Sysse Hair and at the same time the piece of land was under a deed of Trust to T. R. Elliott well the old man Sysse and the Doctor

went down now to make me a deed for the piece of land which the Doctor told me it was done, I had built a house on my side of the road and after the Doctor told me that the deed was all right I made a large dinner and moved the house off of my land on this same piece of land. got the masons, and had the under pined and the chimney nearly up when the Doctor died. he was buried on monday, being Court day I went to Suffolk and saw him carried out, and afterwards I saw you, and you, asked, me if that deed had not ought to be made to me, and I sed yes sir it had so. well says you it was not for the Doctor to make the deed himself in his own name and had it recorded so, and he was now dead and I could not see him, now loss the land and had going to the Expense to move my house on the piece of land

I Then Run to Mr J. R Kilby and Stated The case to him and asked him what I must do he said David it is a pity you will lose the land but you can git your money back for it, and for your house that you have moved on it, you go and move it off as quick as possible and Then I had to go and make a nother Chimney and move my house off again which cost me aggravated, I had to tear down my chimney and all of The Pieces, all of this cost me about one hundred dollars, besides be distitute of The land, and now for to make me pay one hundred dollars for about 4 yards. for The same land. and The Doctor was The hole cause of it it is to said. I say The Doctor was The hole cause, be cause if he had of made The land to meat first it would all bin right now. so Gentlemen please look over and

Take Every Thing in consideration and
make a self case of it allow me what
you please or what you think proper
but as Thaire was no a perzishionner
to bid against me and all of the bids
was for me. it seames that the land
Should ought to go back to the first bid
which was 110 dollars. I asked Mr Prenties
to buy the land for me. and never told
any one of it. and Mr Prenties asked
the Orzer to by it. and my Brother
and other friends biding against the Orzer
not knowing ho he was biding for.
knew I wanted the bit of land Thayall
was bid for me, and against me, at last
finly my friends Cost the land. and
when it was no Rost who is the purcher
it was David M. Lee Then Thayall were
astonished to think they were biding against me
in Stid of biding for me. so I now close
by asking my friends to do and show me
Justis, Mr Prenties my dear friend please
Perswade Mr whitfield Read This is he can understand it

6th

I am willing to pay Mr Whitfield his full comishions on Two hundred Dollars if he requests and he can make any deductions that he see proper and Mr Prentiss if he Sold conclude to put the land up again bid for me again and if any one else Sold bid please Try to find out who for please attend to this matter for me and you shall be paid for your Trouble besides you will oblige your humbling Servant who do wish you well your humbling and Truly

David M. Lee

To the Hon. Richard D. Baker, Judge of the Circuit Court of Rawcumm County

The petition of David M. Lee, respectfully represents and says, That the Lands of the late Dr. J.R. Elliott were advertised to be sold on the 12th of August 1867, being County Court day, under a decree of this Court made in the cause of Anthony R. Boykin against Anna Boykin and others, — Rev. A. Whitfield esq. being the Commr. That among the parcels of Land to be thus sold was about one acre, adjoining the premises of the Undersigned, of no great value, but which for convenience he wanted, and as he was then farming near Edenton, North Carolina could not attend the sale, but requested Peter B. Prentis Esq to purchase the said one acre for him — That on the day of sale, Mr Prentis being engaged with his duties as Clerk invited Mr W.H. Melvin, the Crier to purchase it for me. — That your petitioner had no other authorized agent — but so it is, at the sale

a Brother of your petitioner, knowing that the undersigned wanted the Land but knowing that Mr Prentis had been requested to buy the same, also attended the sale & assumed to bid also for your petitioner, but without authority, so that the two parties bid on each other, and run the Land up to $100, which is five times its value — Now

your petitioner, was called to Execute his Bond which
and as workmanship the Comr. suggested. he had better give the Bond
he had to do, but protesting against the same.

He therefore prays that this Court will
correct the mistake that was made, and
order a resale of said Land, of one acre,
& direct a reasonable abatement from the ex=
travagant price then paid under such
Circumstances.

and he will ever pray &c.

David M. Lee
by John R. Kilby his
atty.

Boyd's Exrs
vs
Boyd's Heirs &c

Petition of
David M. Lee
to correct mistake
&.

Let it appear that the
facts set forth in this
petition are true as
alleged & that a copy
of said petition be served
on the Defts.

John R. Kilby
atty for Pltff.

C. 13 Oct 1860
Affd for Defts. J. Wells

At a Circuit Court held for Nansemond County, on the 16th. day of April, 1867:

Anthony R. Boykin . . . . . Complainant.

against & In Chancery

Anna Boykin, Richard E. Boykin and Mary E. Boykin, all infants . . . . . Defendants.

This cause came on to be heard on the Bill, the answer of the infant defendants, Replication thereto and the examination of witnesses, and was argued by Counsel: On consideration whereof it appearing to the Court, that a decree for the sale of the land, or farms, in the Bill mentioned, has heretofore been rendered, and a division of the proceeds thereof ordered, which, with the papers in the cause have been destroyed by the fire which consumed the Records of the said County; the Court doth adjudge, order and decree that Robert A. Whitfield who is appointed a Commissioner for such purpose, do proceed to sell at the door of the Court House on some Court day, the parcels of land, to wit: "the Parham tract" of one hundred acres: the "Creecy" tract of two hundred acres, either seperately or jointly as he may deem best, and the lot of one acre, having first advertised the time and place of sale in the "Christian Sun" published in the town of Suffolk, once a week for four weeks successively, and at the door of the Court House in said town, and other public places in the said County, and near the premises, on a credit of one year with interest from day of sale, save so much as may be required to pay expenses of suit and sale, which may be in Cash, taking from the purchaser, or purchasers, bonds with sufficient security and retaining a lien on the premises and report to Court.

But this decree is to be suspended, until the said Whitfield executes a bond before the Clerk of this Court, payable to the Commonwealth of Virginia

in the penalty of ($1000) One thousand dollars, conditioned for the faithful discharge of his duties under this, or any future order entered herein.

A copy:

Teste,

Peter B. Prentis. Clerk

Costs

Clerk . . $15:00

Atto: &c . . 31:00

Notary . 1.50

$47:50

Anthony R. Boykin, Intd

vs

Co: Mines &c Defts.

Anna Boykin Rel.

1867. Octo: 15th Filed

Anthony N Bayken
Impe — "
Anna Bayken Libt

Rough Hearer
April Term 1869
To be entered —
E P Pitts

Entered

Recorded 9/Mar

Anthony R Bayken

vs

Anna Bayken, Richard E Bayken & Mary E Bayken

This cause in which the Marriage of the defendant - Anna Bayken with A M Lee is suggested, it is by the consent of the A M Lee this ordered that this suit proceed in their Name came on this day to be again heard on the papers formerly read, on the report of Sale of Commissioner Whitfield & the Petition of said M Lee & was argued by Counsel, on consideration whereof the Court - refusing to grant the prayer of said Petition to set aside the sale herein Mentioned, doth confirm said report of Sale to which no exception was filed & doth adjudge ordered & decree that the Clerk of this Court deliver to C B Hayden who is hereby appointed Special commissioner for this purpose on his filing his receipt therefor the Bond of J H King & R R Smith for $ 353.00 with interest from August 12th, 1867, of R R Smith, & Fred. H Hunter for $. 294.00 with interest from like date - of said M Lee & Peter B Prentiss for $. 90.00 with int from same date - which Bonds the said C B Hayden is hereby authorized & required to collect - out of the proceeds after paying the unpaid costs -

of this suit inclusive of an Attorney's Fee to C B Hayden of $20.00 - for his services in this cause pay 1/4 of the balance thereof to Anthony R Boykin - 1/4 to Adkk Lee on the consent of his wife Anna to such payment being certified by a Magistrate & filed with this cause - 2 1/4 each to the legal Guardians of Richard E Boykin & Mary E Boykin, hereafter to be appointed, taken their respective receipts therefor & return the same with his report to court of his proceedings Under this decree & the court doth further adjudge & decree that on the payment of the Bonds aforesaid the said C B Hayden shall execute & deliver good & sufficient deeds in fee simple with special warranty to the respective purchasers for the land respectively bought by them; to wit to Joshua H King for the Creay Tract, containing by estimation 200 acres more or less - to R. R. Smith for the Parham Tract containing by estimation 100 acres - to David M Lee for the One Acre Lot on the public road four or five miles from Jamestown, all of the said tracts being land of which John R Elliott died seized & possessed in the County of Nansemond But the effect of this decree shall be suspended until the said C B Hayden shall execute & deliver in the Clerks office of this court a Bond with sufficient security payable to the Commonwealth of Virginia in a penalty of $1474.00, conditioned for the faithful performance of this decree -

Anthony R. Day Bill

v.

Anna Day Heirs &c. Defts

This cause came on to be heard on the bill the answer of the defendants, Replication thereto & the commission & depositions, and was argued by Counsel. On consideration whereof it appearing to the Court, that a Decree for the Sale of the Land, & Slaves, in the Bill mentioned, has heretofore been rendered, but a division of the personal Property cannot, which, with the papers in the Cause have been destroyed by the fire which consumed the Records of the said County. The Court doth adjudge, order and decree that Robt Whitfield who is appointed a Commissioner for such purpose do proceed to sell, the parcels of Land, to wit, the Parkers tract of 100 acres, the "Ewell" tract of 200 acres, either separately or jointly, as he may deem best, and the lot of one acre: having first executed Bond as directed by the Act of Assembly, and given due notice of the time & place of Sale in the Charlestown Newspaper, & by Hand Bills, three in number, for four months successively, at the Door of the Court House & other most public places in the said County & near the premises - & a Report of the same with a proper plan of Sale, Sale to be made as may be expedient to pay expenses of Sale which may be incurred. Taking from the purchaser, or purchasers, bond with good & sufficient security, & reserving a lien on the premises - & report to Court.

But this decree is to be suspended, until the said Whitfield, enters into bond before the Clerk of this Court, payable to the Governor Va, in the penalty of $1000.00, Conditioned for the faithful discharge of his duties under this, & any future Decree entered herein -

Entered.

$435-

137 1/4

106.64

Jany 13/70 – Received of C B Hayden Special Commissioner in suit of Baykin vs Boykin & als – Fifty Three Dollars & Thirty Two Cents for each of my wards Richard E Baykin & Mary E Baykin in account of their share of proceeds of Sale of Elliott Land in above suit –

E L Edwards Exor

Receipt of Gdn of
R. E. & M. E. Boykin

Received of C B Hayden Special Commissioner in Suit of Bayne vs Bayne & als - the sum of One Hundred & Nine Dollars & Eight Four Cents - for each of my wards Mary E & Richard C Bayne on account of their Share of proceeds of Sale of Elliott Land in above Suit -

Aug 11/69 -

E A Eley Guar

Receipt of Gdns of
R. E. & M. E. Boykin

State of North Carolina
Sampson County to wit:
I J. M. Moseley
a Justice of the Peace for the county aforesaid, hereby certify, that this day Anna E. Lee, wife of A M Lee, personally appeared before me in my said county, and being by me privily examined apart from her said husband, she the said Anna freely consented that her portion of the proceeds of sale of the lands of John R Elliott sold under the decree of the Circuit Court of Nansemond County, in the State of Virginia, should be paid to her said husband, and desired that I should certify her consent to such payment, to said Court
Given under my hand this 10th day of May, 1869 as Justice of the Peace for the County, aforesaid.
Signed. J. M. Moseley J.P.

State of North Carolina
Sampson County to wit:
I James. K. Norisey
Clerk of the Superior Court of Sampson County in the State aforesaid, do hereby certify that James. M Moseley. whose name is affixed to the foregoing certificate, is now was at the time the said certificate bears date, an acting Justice of my said County, duly commissioned and

qualified, and that full faith and credit are due to his official acts as such.

In testimony whereof, I have hereunto set my hand, and affixed the seal of said court this the 10th day of May A.D. 1869

J. K. Morisey C.S.C.

Boykin
vs
Boykin & al.

Certificate of consent of Lee's wife to payment of Slaves

A

August 18/19 Received of C B Hayden Special Commissioner in suit of Baykin & Baykin Vs Baykin Vs in Circuit Court of Nansemond Forty Seven Dollars & Fifty Cents, making with the sum of Fifty Two Dollars & Fifty Cents paid J F Rocker by my authority, the sum of One Hundred Dollars, in part of My wife Annais (late Baykin) portion of proceeds of sale of Elliott land in said suit -

A M Lee

A. M. Lee

$ 63.11

Received of C B Hayden Special Commissioner in Suit of Baykin vs Baykin et als in Circuit Court of Nansemond the sum of Sixty Three Dollars & Sixteen Cents. on account of My wife Anna (late Baykin) share of Proceeds of Sale of Elliott Land in said Suit -

A M Lee

Chicken NC

Dec 25th 1869

A. M. Lee

R. H. Whitfield, Esq.

1867 To "Christian Inn" Suffolk, Va. L.S.

June 14. To adv. sale of land of L. J. R. Elliott, A. R. Boykin, Pltf. Anna Boykin defts. 22 l. 9 i. $11.00

Rec'd Payment of C. B. Hayden, Jr.

Nov. 13. 1869 A. T. Whitley for Inn.

Thanks for remittance

Bayern
vs
Bayreuth

Christian Lenz
Hfc

Mr. John R. Elliott Est.

1866. To WM. ELEY, Sheriff of Nansemond Co. Dr.

To	Capitation Tax, 28 cents,		
"292	Acres of Land, val. $1471	2	07
"	Ditto for county,	1	04
"	County Levies at $2 50, Parish do. 70 cts.		
"	Rev. on personal property, bonds, &c.		
"	Ditto for county,		
"	Clerk's Fee's,		
"	Commissioner's Fees,		
	Received payment, of C. B. Hodges	3.	11

Wm Eley Shff

J. Richd. Elliott (Est

$3.11
2.00
5.11
2.95
8.04
6.29
14.33

All Available Text Successfully Captured

Mr. John R. Elliott Est.

1867. **To WM. ELEY, Sheriff of Nansemond Co. Dr.**

To	Capitation Tax, 60 cents,		
"	292 Acres of Land, Val. $ 1376		4 44
"	Ditto for county, 112 × 75		1 85
"	County Levies at $2 50, Parish do. 60 cents		
"	Rev. on personal property, bonds, &c		
"	Ditto for county,		
"	Clerk's Fees,		
"	Commissioner's Fees,		
	Received Payment, of C B Haden		6 29

Wm Eley ..... *Sheriff.*

Jno R. Elliotts
Est.

	£16.29
	8 0 6
	14 3 5
	2 5 0
	14.8.5

Augustus Ellis. Extr: of Jno: H. Ellis decd

1868.

To PETER B. PRENTIS, Clerk of Nansemond Circuit Court, Dr.

Aug: 29. Summ: 20. Cop: 10. Writ: 18. doc: 18. Atto: 10

Sept: 7. fi. fa: doc: 15- C.f.25-(Oct: 5) C.f.C. 25-

Octo: 14. Jud: 36 fi. fa: 20. tax. & Co: Costs 40

Co: jud: 20. doc jud 25- 2nd Recd

$2.82

Peter B. Prentis. Clerk

Aug: Eliz. Ep[er]
1282

Mr. John Elliotts Est

1865. To WM. ELEY, Sheriff of Nansemond Co. Dr.

To	Capitation Tax, 40 cts.		
"	County Levies at $1 25, Parish do. 50 cts.		
"	Revenue on Income,		
292	Acres of Land, value $ 1474--	2	95
"	Clerk's Fees,		
"	Commissioner's Fees,		
"	Militia Fines, at 75 cts.,		

Received payment, of L & B Hacken

Wm Eley Sh'ff

John Elliott Ltd

2,955

295-65

3.11.66

629.67

12.55-66.

454-65

17.79

$110.00

June 15/69 - Received of C. B. Hyde One Hundred & Ten Dollars on account of amt collected & sent as Commissioner in Bykin Bykins -

A. K. & Bykin

A. R Bayleis Recht -

5-3.11

Dec 23/19- Received of C B Hyden Special Commissioner in Suit of Boykin & Boykin Defts Fifty Three Dollars & Sixteen Cents- on account of My Share of sale of Elliott Land in said suit-

A. R. Boykin

5-3.11
2-4
3-1

A. R. Boykins Receipt

Boykin
vs.
Boykin & als.

Vouchers returned,
with Report of
Commissioner for
Collection & Payment

To the Circuit Court of Nansemond County;

The undersigned Special Commissioner under the annexed Decree of said Court of April Term 1869 in the Chancery suit of A. R. Boykin vs. Anna Boykin & als, reports to the Court that pursuant to said Decree he received from the Clerk the Bonds mentioned in said Decree and has collected in full the Bonds of J. N. King for $353.00, with interest from August the 2d 1867 and of R. R. Smith for $294.00 with interest from same date, the gross proceeds of which amounted to $725.26 out of which after paying Taxes on land and costs of suit and sale amounting to $72.60, there remained $652.66 for distribution among the four heirs at law of the intestate, making $163.16½ to each share as per statement A hereunto annexed

Statement A

Costs of suit

Taxes on land	12.35	
Drawing Deeds & Stamps	11.00	
Attorneys Fee	20.00	
Notary Public	1.50	
Clerk's Fee	5.00	
Printers	11.00	$60.85

Carried over

Amt. bot. up 60.85

Commissions on $300.00

at 2½ percent 7.50

Do. on $425.26 at 1 percent 4.25 72.60

Balance for distribution 652.66

$725.26

1869

June 14 Amount from J.H. King in full bond 391.95

July 12 Amount from R.R. Smith in part of Bond 100.00

Dec 7th By amount from Do. in full of Do. 233.31

$725.26

Amount for distribution as above 652.66

1869

June 15th paid A.R. Boykin 1 10.00

Dec 23d paid Do. 53.16½ 163.16½

1869

August 11th paid E.L. Clay Guardian

of R.E. Boykin 109.84

1870

Jan 13th paid Do. 53.32½ 163.16½

Aug 1st paid E.L. Clay Guardian

of Mary E. Boykin 109.84

1870

Jan 8 paid Do. 53.32½ 163.16½

August 18th paid R.M. Lee in

right of his wife Anna 100.00

Dec 26th paid do in right of Do 63.16½ 163.16½

$652.66

The receipts of the parties for said payments are herewith filed. The amount due the wife of R.M. Lee was paid to her husband, by her consent certified by a Magistrate, which Certificate

marked "A" is herewith filed.
On the payment by J. N. King & R. R. Smith of their Bonds aforesaid, your Commissioner executed and delivered to them good and sufficient Deeds for the land respectively purchased by them. Upto the date of this Report your Commissioner has been unable to collect the Bond of David M. Lee, mentioned in said Decree, and has sued thereon in the County Court of the County aforesaid.

All of which is respectfully submitted.

C. B. Hayden

March 14th 1870.

Boykin
&
Boykin et als.

Report
Commissioner for
Collection & Payment

Filed Apl: 18th: 1870.
Clk:

To the Circuit Court of Nansemond County.

The undersigned Special Commissioner for collection and payment under the annexed Decree of said Court of April Term 1869 in the suit of Anthony R. Boykin vs. Anna Boykin & als., reports to the Court that he was only able on the 12th of December 1870 to collect the Bond mentioned in said Decree vs. David McDee on which as mentioned in the former Report herein under said Decree suit had been brought; that on said day he collected proceeds of said suit amounting to $115 26/100 as per

Statement A

Debt: 90.00

Int. from 12th Aug. 1867 to 12 Dec 1870 3 years 4 months 18.00

Costs 7.26 $115.26.

That after paying the costs of said suit amounting to $17 43/100, there remained for distribution the sum of $87 83/100, which was distributed equally between Anthony R. Boykin, Richard E. Boykin, Mary E. Boykin & Anna McDee, who respectively received the sum of $24. 45 3/4/100: the shares of Richard E. & Mary E. having been paid to their Guardian Eppes L. Eley, and the

share of said Anna to her husband A. McLee, on her consent, certified as required by said Decree, said certificate being filed with the former Report under said Decree.

The said payment of costs and distribution are shewn by statement

Statement B.

Amt collected from D. McLee		115.26
Fee Writ Fa. in circuit Law	6.50	
Sheriffs Fee $1.70 Clks do $3.28	4.28	
Commiss. on $115.26/100. @ 1 per ct.	1.15	
Drawing Deed & Stamps	5.50	17.43
Balance for distribution		$97.83
Amt. paid Anthony R Boykin	24.45 3/4	
do. R E	R. E. Boykin	24.45 3/4
do.	Mary E Boykin	24.45 3/4
do.	A McLee	24.45 3/4
	$97.83	$97.83

Your Commissioner has executed & delivered to said David McLee, the Deed directed by said Decree. The receipts of the parties for said payments are herewith filed.

All of which is respectfully submitted.

Dec. 15th 1870 (Signed) C. B. Hayden

$24.45¾ Rec'd of C B. Hayden Comm.r &c Twenty Four Dollars and Forty Five and Three Fourth Cents.

A. R. Boykin

Rec'd. of C B Hayden, Comr &c. Twenty Four Dollars, & Forty Five & Three Fourth cents for each of my wards, Richard E. Boykin & Mary E. Boykin.

E L Eley Gn ar

Rec'd of C B. Hayden Commissioner &c Sheriff's Fee of One Dollar in suit of R A Whitfield, Executrix vs. Lee

Wm Eley for A L Eley

Received my Fees & Commissions as charged in within statement.

C. B. Hayden

A R Boyskin

vs.

Boyskin et als.

Commissioner Hayden's
2nd Report

1871. Feb: 13th. Filed
clk

$24.45/100

Recd. of C. B. Hayden Commissioner under the Decree of the Circuit Court of Nansemond of April Term 1869 in the suit of Boykin vs. Boykin & als., the sum of Twenty Four Dollars and Forty Five Cents a further payment under said Decree of amount due me in right of my wife Anna formerly Boykin.

January 1–1871

A. M. Lee

R. A. Whitfield, Ext. &c for C. B. Hayden, Commr.

1869

Dr:

To PETER B. PRENTIS, Clerk of Nansemond County Court, Dr.

Nov: 12. Summ. 20. 2 Copies 20. Affy: 18. Doc: 10. Atto: 10
(Dec: 6) Affy: Order 15. C.J. 25 " David M. Lee Dec: $1.18
2.08
3.26

1870. Jan: 3. C.J.C 25: (June) Jud 20. Jan: 20. Copy Record 40. Exam 50
Comp 20. Doc 115: 25

Peter B. Prentis. D.C.

R. A. Whitfield for
C. B. Hayden Comm'r

1869 $1.18
1870 2.08
$3.26

Paid by C. B. Hayden, Comm'r
P. B. P.

At a Circuit Court held for Nansemond County the 20th. day of April 1869.

Anthony R. Boykin . . . . . Plaintiff

against } In Chancery

Anna Boykin Richard E Boykin and Mary E. Boykin . . Defendants.

This Cause, in which the marriage of the defendant Anna Boykin, with A. M. Lee is suggested, it is by the Consent of the said A. M. Lee and wife ordered that this suit proceed in their name, came on this day to be again heard on the papers formerly read, and on the report of sale of Commissioner Whitfield and the Petition of David M. Lee and was argued by Counsel on consideration whereof the Court refusing to grant the prayer of said Petition, to set aside the sale therein mentioned doth confirm said Report of sale, to which no exception was filed and doth adjudge order and decree that the Clerk of this Court deliver to C. B. Hayden, who is hereby appointed Special Commissioner for that purpose, on his filing his receipt therefor the Bond of J. H. King & R. R. Smith for $353. with interest from August 12th 1867. of R. R. Smith & Fred. W. Hunter for $294. with interest from like date. of David M. Lee and Peter B. Prentis for $90. 00 with Interest from same date, which bonds, the said C. B. Hayden is hereby authorized and required to collect out of the proceeds after paying the unpaid Costs of this suit, inclusive of an attorney's fee to C. B. Hayden of $20. 00 for his services in this Cause, pay a fourth of the balance thereof to Anthony R. Boykin, a fourth to Ann M. Lee on the Consent of his wife Anna to such payment being confessed by any magistrate and filed in this Cause, and a fourth each to the legal guardians hereafter to be appointed of Richard E.

Bayken and Mary E. Bayken, taking their respective receipts therefor and return the same with his report to Court of his proceedings under this decree, and the Court doth further adjudge order and decree that on the payment of the bonds aforesaid, the said C. B. Hayden shall execute and deliver good and sufficient deeds in fee simple with special warranty to the respective purchasers of the land respectively bought by them. To wit: To Joshua H. King for the Creecy Tract containing by estimation 200 acres more or less: To R. R. Smith for the Parham Tract containing by estimation 100 acres. To David M. Lee, for the one acre Lot on the Public road, four miles from Somerton all of the said tracts, being land of which John R. Elliott died seized and possessed in the County of Nansemond. But the effect of this decree, shall be suspended until the said C. B. Hayden shall execute and deliver in the Clerk's office of this Court, a Bond with sufficient security payable to the Commonwealth of Virginia, in a penalty of $1474.00 conditioned for the faithful performance of this decree.

Costs estimated to be included in foregoing decree
Clerk ... $20.00
Atto: Whit ... 31.00
" Hayden 20.00
W. L. Riddick Not: Pub 1.50
$72.50

A Copy:
Teste:
Peter B. Prentis D.C.

Notary Public's fee $1.50 paid
W. L. Riddick
N. P.

1869. Nov: 8th Rec'd of C. B. Hayden Commr
$5.00 in full of Clerk's fees in this case
Peter B. Prentis D.C.

Bayken.
Dr $ Co: Decree ass't: Term 1869
Bayken Ass't:

The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Anna Boykin, Richard E. Boykin and May E. Boykin: all infants;

to appear at the Clerk's Office of our Circuit Court, for the County of Nansemond, on the first Monday in March next, 1867, being rule day, to answer a bill in chancery, exhibited against them by Anthony R. Boykin

and unless they shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his Office, this 12th day of February 1867, and in the 91st year of the Commonwealth.

Peter B. Prentis. Clerk.

☞ The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Whitfield. p. 9

Anthony R. Boykin

vs Equity in Chy.

Anna Boykin & al (insane)

To March Rules 1867

Pro: B. No: 1. page 20

Copi: Co

Virginia:

At Rules held in the Clerk's Office of the Circuit Court of Nansemond on Monday the 4th day of March 1867.

Anthony R. Boykin Complainant.

against In Chancery

Anna Boykin Richard E Boykin and Mary E. Boykin, all infants Defendants

On the motion of the Complainants by Counsel, Peter B. Prentis, is appointed guardian ad litem, to defend the infant defendants, in this Suit; and it is ordered that notice be given the said Guardian of his appointment, by serving on him a Copy of this order.

Teste:

Peter B. Prentis. Clerk

1867. March 4th: I acknowledge service of this order, and that I have received a Copy hereof.

Peter B. Prentis.

gdn: ad litem

Beyheri

— 25"

Beyheri

Order ausfertg: gehn ab

Eben

1867. Aug. 12th. Rec'd of Rob't H. Whitfield, Commis't.
Seven Dollars and fifty cents, for copying up the
Land this day sold by the Estate of Dr. John
R. Elliott decd

Wm J. McGuire

($7.50)

Mr. Guinea Bird

Recpt

11.50

P. B. Brents
In St. Ts
Cuelpr.

1867. Augt. 12th. Recd of Ro: N. Whitfield Esq: Comr.
Fifteen Dollars in full, for my fees in the Chancery suit
of Anthony R. Bayken vs Emma Bayken Lod: Hanover-
mund Circuit Court-

$15:14

Peter B. Prentis. Clk

C. B. Hayden. Sol: Commth

To } 13mo

Commonwealth

1869
April 21st: Executed Libel

KNOW ALL MEN BY THESE PRESENTS, That we Charles B. Hayden and Peter B. Prentes

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of One thousand four hundred and Seventy-four dollars, to the payment whereof well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 21st: day of April — in the year one thousand eight hundred and Sixty-nine, and in the 93rd: year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Charles B. Hayden, who was by a Decree of the Circuit Court of Nansemond County pronounced on the 20th day of April 1869 in the Cause of Anthony R Boykin, Plaintiff, against Anna Boykin, Richard E. Boykin and Mary E. Boykin, Defendants, ~~to~~ appointed Special Commissioner to collect certain bonds, the proceeds of Real Estate, and distribute the same, in the manner directed by said Decree, and to make Deeds to ~~the~~ several purchasers of the Real Estate in the papers in said Cause described,

shall faithfully discharge the duties of his said trust, under said Decree, then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence of

C. B. Hayden — SEAL.

Peter B. Prentes SEAL.

SEAL.

SEAL.

SEAL.

Know all men by these Presents, that I John G. Whitfield of Enfield, Halifax County, State of North Carolina, do hereby ordain & appoint Peter B. Pearce of Nansemond County Va, my lawful attorney, for me & in my name & behalf, to affix my signature and seal to the Bond which is required to be executed by R.H. Whitfield, under a decree of the Circuit Court of Nansemond County, pronounced at the April Term thereof 1867— in the case of Boykin &c. Boykin &als: whereby the said R.H. Whitfield was empowered as Commissioner to sell certain real Estate therein named. And my signature & seal so signed & affixed by the said Peter B. Pearce to the said Bond required as aforesaid of the R.H. Whitfield as Commissioner as aforesaid, shall have the same binding force & effect as if the same were done by me in person.
witness my signature and seal this the 11 day of July 1867

J.G. Whitfield (Seal)

Halifax County, State of N. Carolina.

I James A. Whitaker a justice of the peace for the County of Halifax, in the state of North Carolina, do certify that John G. Whitfield whose name is signed to the writing above bearing date the 11th day of July 1867, personally appeared before and acknowledged the same before me in my said County: And further made Oath, that he to the best of his knowledge & belief is worth the sum of two thousand dollars, after the payment of his just debts— Given under my hand this 11th day of July 1867

Jas. A. Whitaker J.P.

KNOW ALL MEN BY THESE PRESENTS, That we Robert H. Whitfield and ~~[illegible]~~ John G. Whitfield

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of One Thousand ~~[illegible]~~ dollars, to the payment whereof well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 12th day of August in the year one thousand eight hundred and Sixty-seven, and in the 91st year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Robert H. Whitfield, who was, by a Decree of the Circuit Court of Nansemond County, pronounced on the 16th. day of April 1867, in the cause of Anthony R Boykin, Plaintiff, against Anna Boykin, Richard E. Boykin and Mary E. Boykin, all infants & Defendants, ~~whom~~ appointed a Commissioner to make sale of certain Real Estate, in said cause described ~~[illegible]~~ under said decree or any future order entered in said cause shall faithfully discharge the duties of his said trust, then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence of

Robt H. Whitfield SEAL.

John G. Whitfield by Peter B. Prentis his Atto: SEAL.

SEAL.

SEAL.

SEAL.

Robert H. Whitfield, Commr.

To E Bond

Commonwealth.

Aug: 12 th: 1867 Executed & filed

To the Hon: Richd H Baker Judge of the Circuit Court of Nansemond County—

By virtue and in accordance with the provisions of a decree of the Circuit Court of said County pronounced at the April Terms thereof 1867, in the Case of A. R. Boykin, &c. Anne, Pltf &c. & Mary E. Boykin, the undersigned a Commissioner therein appointed, after having duly advertised the tracts or parcels of land in said decree mentioned, offered the same at Public Auction before the door of the C. House of said County, on the 12th of Augt 1867, being Court day; and the said Parcels were bid off, as stated below, viz

1st "The Breezy tract" was bid off by Joshua H. King at the sum of $400.00
2d The Parham tract " " by R. R. Smith " " " $335.00
3d The One acre parcel " " D. M. Lee " " " $100.00

After paying costs & appertaining the same, among the said Purchasers, the bond of J. H. King with R. R. Smith as security was taken for $353.00
The Bond of R. R. Smith with Jno. H. Hunter Security " $294.00
& The bond of D. M. Lee with P. B. Prentis Security " " $90.00
being the 1st & 2nd instalments of the purchase money of Parts: which said Bonds, with the receipts for the Parts are herewith filed & returned to Court.

D H Whitfield Com

R. H. Whitfield
Report of Sale -

Received of the Clerk of the Circuit Court -
the within named Bonds -

C. B. Hayden

Boydell v Boydell &c

This day David McKee one of the purchasers of Real Estate sold under proceedings in this cause, filed his petition by leave of the Court asking the Court to correct a mistake in relation thereto, & the cause continued