

1835-013

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BOYKIN et al VS. BOYKIN

3/1835

other surnames: Jolly, Turner,
Chapman, Rochelle

1110
John Boykin & others
Bill ans.
Elizabeth Boykin & decree

Exhibit. will of
David J. Boykin dec'd
Prentiss att.

~~~~~

1834, January - Decree signed

" 8<sup>th</sup> Apr. Rep. ret. & cont. "

1835 Mar. Conf. & "

Southampton  
Co. Co.

To the Worshipful Court of Southampton County, In Chancery  
sitting,

Humbly complaining shew unto the Court, Your orators and oratrices John Boykin, Josiah Jolly and Margaret his wife, late Margaret Boykin, Thomas D. Boykin and Elizabeth S. Boykin, which said Thomas D. and Elizabeth S. being infants under the age of twenty one years, are allowed to sue by John Boykin Junr. their next friend. That David I. Boykin late of the county of Southampton, the father of your orators John Boykin and Thomas D. Boykin, and of your oratrices Margaret Jolly and Elizabeth S. Boykin being seized and possessed of lands, sundry valuable slaves, sundry chattel and other personal estates to the amount of and upwards, did on or about the 16<sup>th</sup> day of August a D. 1839, duly make and publish his last will and testament in writing, and thereby devised and bequeathed as follows. "It is my will and desire that my Exor sell to the highest bidder the tract of land that I purchased of Matthew Turner for the purpose of paying my just debts together with as much of my chattel estate as my wife may think proper to give up for that purpose and of the proceeds of the sale of the said tract of land together with what may arise from the sale of the chattel estate that may be given up shall not be sufficient for the purposes of paying all my just debts. It is my will and desire, that my Executor sell to the best advantage either for cash or credit, so many of my negroes as may be necessary to supply the deficiency Item 2<sup>d</sup> I lend unto my beloved wife Elizabeth that whole of the tract of land whereon I now reside to use and cultivate as she may think proper together with all my negroes stock of all kinds and chattel estate of all description except so much as may be required for the payment of my just debts as above specified until my son John shall arrive at the age of twenty one years, unless she shall marry before that time for the purpose and on condition that she shall board and educate my five children, namely John, Margaret, Martha M. Thomas D. and Elizabeth S. Boykin. at the time my son John shall arrive at the age of twenty one years. It is my will and desire in that case that a dower right shall be allowed my said wife in my negroes and the services of the chattel estate agreeable to the laws of Virginia, and I place her the plantation whereon I now reside as long as she lives a single life, at her marriage I only allow her a dower right in the said tract agreeable to the Virginia laws and the balance of the plantation whereon I now reside I wish rented out by my Executor. And at the death of my beloved wife I wish my plantation whereon I now live sold to the highest bidder by my said Executor. And the net proceeds arising from the sale to be equally divided among my five children above named. And it is further, it is my will and desire that all my remaining negroes be equally divided among my five children above named, the dower right excepted at the time my son John arrives at the age of twenty one years to them and their heirs forever Item 3<sup>d</sup> at the death of my wife it is my will and desire that the dower negroes be equally divided between my five children within named, John, Margaret, Martha M. Thomas D. and Elizabeth S. Boykin which I give unto them and their heirs forever. the remains of my chattel estate, and the rents of my plantation if any, I give to my five children above named to them and their heirs forever."

That upon or soon after the death of the testator, to-wit on or about the 15<sup>th</sup> day of November a D. 1830 Doctor John H. Chapman of the county of Isle of Wight, the Executor therein named had the said will duly proved in the County Court of Southampton, and took upon himself the burden and execution thereof (the testator having died soon after making his said will, without altering or revoking the same) and by virtue thereof possessed himself of all the testator's slaves and personal and moveable estate to a considerable amount. That the said John H. Chapman after his qualification as Executor as aforesaid, proceeded to sell the land mentioned in the first item in the will as purchased of Matthew Turner, together with some of the slaves for the payment of the testator's debts and having possessed himself of funds for that purpose, surrendered and delivered over to Elizabeth Boykin the widow, and as legatee, a large number of slaves and some chattel property agreeable to the will of the said testator, which she has held ever since as legatee, and continues to hold the same as such. That by certain proceedings had and moved in the said County Court of Southampton at the February Term 1832 the duties and powers of the said Chapman were revoked and annulled - and thereupon at the same term of the said Court, the estate of the said David I. Boykin, was by order of the said Court committed to the hands of Clements Rockwell then Sheriff of the said County to be administered according to law - an attested copy of the

said will, with the several certificates of the black marked A.B. are here referred to and prayed, to be received and taken as a part of this bill. Your orators and oratrices, charge the fact to be that the said Clement Pochelle late Sheriff, as aforesaid never has kept the possession of the said slaves nor in truth had he any authority or controul over, since they had long previous to the order of his Court, as aforesaid, been surrendered and delivered over to the widow and legatee by John St. Chapman the Exor, when he had ample power and authority to do so, and deliver up the legacy aforesaid. And your orators and oratrices beg leave further to present unto your Worship, that Martha M. Boykin, one of the Testator's children and legatee as aforesaid, departed this life on <sup>31st Decr</sup> the year 1831, an infant, intestate, and without issue, without having received her share, a portion of the said slaves, or other estate under her father's will, and that on her death her four surviving brothers and sisters, and her mother the said widow, are her heirs at law, and entitled certainly to her share or portion in the slaves of the testator her late father, and held by her mother as aforesaid.

And your orators and oratrices further charge the fact to be, that the said John Boykin the Testator's son, and one of the Complainants have recently arrived at the age of twenty one years, the period of time at which the Testator expressly directs, that a dower right in his slaves should be assigned to his widow and the remaining two thirds of the said slaves equally divided among his five children, and then his forever, and no such division has ever yet been made.

And your orators and oratrices further represent and shew unto the Court that since your orator John Boykin has arrived at the age of twenty one years they have several times applied to the said widow and legatee, who is their mother, for the purpose of having dower assigned to her, and the residue of the said slaves divided among the four surviving legatees, and the heir of the deceased infant legatee Martha M. Boykin: and your orators and oratrices well hoped that the said widow who holds the slaves as legatee as aforesaid, now that her son John has arrived at the age of twenty one years, should have complied therewith without suit, as in equity and justice she ought to have done.

But now so it is may it please the Court that the said Elizabeth Boykin widow and legatee as aforesaid combining and confederating together to and with divers other persons, as set to your orators and oratrices, upon known, whose names when discovered, your orators and oratrices pray may be made defendants, and made parties hitherto with apt words to charge them now to injure and oppress your orators and oratrices, the said confederates respectively refuse absolutely to have an allotment of dower, and division of the said slaves, <sup>as directed by the said</sup> widow. Sometimes pretending that the said testator did not make any such will, at other times she admits that the testator did make such will, and said that she holds a parcel of his slaves, as legatee, surrendered to her by the Exor Chapman, but she pretends, that their number and value is inconsiderable, and that she has no power or authority to make division, - whereas your orators and oratrices charge the fact to be, that the number and value of the slaves in the hands and possession of their said mother is pretty considerable, and that there exists no manner of pretext whatever, for a refusal on her part to comply with their reasonable request. Your orators and oratrices are

informed that after taking from the Estate of their father some of the slaves left by him for the payment of his debts, that there are now in the hands of his widow the following slaves liable to dower and division, namely, Peter Edmond, Edmond and Thomas, Simon, Amos, Danvers, James, Jolly, Prosper, Emanuel, Henderson, Benjamin, William, Timothy, Cyrus, Charles, Kelly, Maria, Julia, Harriet, Angelina, Lucy, Marcella, James, Mary, Sabina, Hannah, Winifred, Edith, Venus, Betsey, Jane Betty, Melly, Sylvia & Eliza thirty in number.

All which doings and doings are contrary to equity and good conscience, and tend to the manifest injury and oppression of your orators and oratrices.

In tender consideration whereof, and for as much as your orators and oratrices are remediless in the premises, at and by the strict rules of the common law, and are only redressable in a Court of equity where matters of this nature are properly cognizable.

To the End therefore, that the said Elizabeth Boykin widow and legatee as aforesaid, of David J. Boykin decd and her co-defendants may respectively feed true direct and perfect answer make ~~to~~ upon their respective corporal oaths, according to the best of their information knowledge and belief, to all and singular the matters and allegations aforesaid

whether the said Testator David J. Boykin duly made and executed such last will and testament in writing of such date and to such purport and effect as aforesaid, and therein and thereby directed that dower in the slaves given to his said widow until her son John should arrive at the age of twenty one years, should at that period of time be made, and residue divided among his five children by name to whom he gave the same absolutely. - Has not the said Son John Boykin one of the Complainants arrived at the age of twenty one years. - Is she willing that dower shall be assigned to her, and division of the residue of the said slaves shall now be made, up to the decree of this Court, that being the only subject contemplated in this suit - That she set forth plainly and distinctly whether the names of the slaves now in her possession as legatee have not been correctly set out, and if not, that she set forth discover and make known the names and number of the slaves aforesaid. - Has not Martha M. Boykin one of the Testator's children and legatees, departed this life, since the death of her father an infant, intestate, and without issue, and <sup>is</sup> the complainant with her brothers and sisters - That she the said Elizabeth Boykin widow and legatee as aforesaid may set forth discover and declare what right or title she has or pretends to have, or claim, in the slaves of the testator, and is she willing that a division shall now be made in the said slaves -

Your orators and oratrices lastly pray that your worship will appoint fit and proper persons as Commissioners to allot dower to the said widow, and divide the remaining two thirds of the said slaves, among the Complainants according to the will of the Testator, and that the share of the deceased sister Martha M. may be divided according to law, and that your worship will be pleased to make such other, or further order, or decree, in the premises for the relief of your orators and oratrices as may be more consistent with equity, and good conscience: ~ ~ ~ ~

May it please your worship to grant &c. ~ ~ ~ ~

Protes. att. for Compts.

Elizabeth Boykin's  
Answer

The separate answer of Elizabeth Boykin widow and relict  
and Legatee of David J. Boykin dec'd. defendant to the Bill of  
Complaint of John Boykin, Josiah Jolly and Margaret his wife  
late Margaret Boykin, Thomas D. Boykin, and Elizabeth S.  
Boykin, the said Thomas D. and Elizabeth S. being infants  
under the age of twenty one years, singly John Boykin, and  
their next friend Complainants, in their worshipful Court exhibited.

This defendant now and at all times hereafter saving and reserving to  
herself all benefit and advantage of exception to the many errors, uncertainties  
and misrepresentations in the Complainants' said bill of complaint con-  
tained, for answer thereto, or unto so much thereof as she is advised it is  
material and necessary for her to make answer unto answers and says,  
That it is true and therefore admitted, that David J. Boykin in the bill named her late  
husband did duly make and execute such last will and testament in writing, of  
such date, and to such purport and effect, and did thereby amongst other things  
bequeath and direct that when his son John Boykin arrived at the age of twenty  
one years, that a dower right should be assigned in his negroes to the plaintiff, and  
that the residue should be divided among his five children by name, to whom  
he gave the same to them and their heirs for ever: That the Complainants John and  
Thomas D. Boykin, and Complainant Margaret Jolly, now the wife of Josiah Jolly, and  
Elizabeth S. Boykin are four of the said children mentioned in the said will. The  
other child Martha M. Boykin died an infant, without issue and intestate  
about the time charged in the said Bill: That the Complainants are her sisters  
and sisters, and this defendant her mother and heirs at law, and entitled in  
equal degree to her share of the slaves left her by her said father. And  
this defendant further answers <sup>and says</sup> that her son John Boykin in the said will named  
has very recently arrived to the age of twenty one years, and that on the happening  
of which, she admits that by the will of her said husband, a dower right is to be  
assigned to her in the negroes which her husband had <sup>bequeathed</sup> to her, until  
the said son John arrived to the age of twenty one years, and that a division of  
the said negroes was to be made among his five children: and this defendant  
further answers and says, that she doth admit that the names and number of  
the slaves, as set forth by the Complainants in their said bill of complaint  
is true and correct, and that they are all of the slaves in her possession, which  
she holds, as legatee under the 12<sup>th</sup> clause of her late husband's will: and she doth  
consent that the said slaves shall be divided under a decree of this Court  
agreeable to the will of the testator. and this defendant being called upon by the  
said bill to set forth, discover and declare what right or title she has, or pre-  
tends to have, or claim, in the slaves of the testator, answers and says that she  
claims her dower for life, of in and to one full and equal third part of the said  
slaves, and she furthermore claims an equal share absolutely with the  
Complainants, in that portion of the slaves to which her deceased daughter Martha  
M. was entitled to, which dower right and share derived from her said  
deceased infant daughter she claims to be allotted and assigned and delivered up  
to her immediately, and upon these terms she is perfectly willing that the said  
slaves may be divided; assignment of dower and division being as charged by the  
Complainants the only and avowed object of this suit. and this defendant  
further answers and says, that she claims an equal share with the Complainants  
in the said Martha M.'s reversionary interest and estate in the dower ac-  
crued, and in all and every other right, title or claim which her said deceased  
daughter had in her father's estate, and at a proper time she shall assert and  
demand the residue of her rights and claims in the estates of her said dec'd  
husband, and of this said late husband. and this defendant denies all  
unlawful combinations and confederacies in the said bill charged, without that  
that there is any other matter or thing material or necessary for this de-  
fendant to make answer, and not known or hereby well and sufficiently  
answered unto, confessed or avoided, traversed or denied is true  
all which &c.

Signed Elizabeth Boykin

*Decree:*

In Southampton County Court  
January Term 1834.

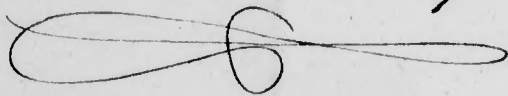
John Boykin, Josiah Jolly, and Margaret his wife, late Margaret Boykin, Thomas D. Boykin, and Elizabeth S. Boykin, which said Thomas D. and Elizabeth S. Boykin being infants, under the age of twenty one years, are allowed to sue in their behalf by John Boykin junr. their next friend.

against  
Elizabeth Boykin, widow, relict, and legatee, of  
David J. Boykin deceased.

Compt. In Chancery

By Consent of the parties and with the assent of the Court this cause came on this day to be heard, on the bill, answer, and will of the said David J. Boykin, filed as an exhibit in this cause, and was argued by Counsel, on consideration whereof, the Court doth adjudge order and decree that Silas Summerell, Benjamin Drew, Patrick Dales, and John Boykin senior, or any three of them do allot, assign and set apart unto the defendant Elizabeth Boykin, one third part of the following slaves belonging to the estate of David J. Boykin, (the whole of which have hitherto been held and enjoyed by the said defendant as legatee) that is to say, Peter, Edmond, Edmond junr., "Thomas, Simon, Amos, Dennis Farley, Prussian Emanuel, Henderson," Benjamin, William, Timothy, Cyrus, Charles, Kelly, Maria Julia, Harriety, Angelina, Lucy, Marcella, James, Mary, Lavina, Harimar, Winnefred, Edith, Venus, Betsey, Jane, Betty, Milly, Sylvia & Eliza, thirty seven in number, as and for her dower right for life in the slaves of the testator her late husband, which allotment to her is now made, in conformity to the will of the said testator, his son John Boykin, one of the complainants having arrived at the age of twenty one years, at which period of time the dower right is directed to be assigned her. and the Court doth further adjudge order and decree that the same Commissioners, or such of them as may act, after dividing into five equal parts, or shares, the residue of the said named slaves, do assign and deliver over to the complainant John Boykin one of the said parts: also to the Compt. Josiah Jolly one other of the said parts, in right of his wife Margaret, and to the infant complainants Thomas D. and Elizabeth S. Boykin, each, one other of the said parts or shares, each. - and the said Commissioners or such of them, as may act, will then proceed to dispose of the remaining 1/5 part or share, which is to be laid off for the share of Martha Boykin, one of the testator's children and legatees who died an infant and intestate, which said 1/5 is to be subdivided into five parts, and equally divided, between the Compt. John Boykin, Josiah Jolly in right of his wife, the two infant Compt., and the defendant, they being the brothers, sisters, and mother, and heirs at law of the said deceased infant legatee, and entitled to her portion, in the said 1/5 of her father's slaves immediately. - and the Court perceiving that it may be extremely difficult, or impossible to divide in kind the share, or portion of the said deceased infant Martha, doth further adjudge order and decree, that the said Commissioners or such of them as may act, after giving ten days notice of the time and place of sale, do sell for cash, one or more of the slaves in the share of the said Martha, at public auction to the highest bidder, as by the said Commissioners may be deemed proper and necessary, and as may be required for the purpose of making a just and equal division, as last afore said directed, - and make report of their proceedings to this Court in order to a final decree. Liberty is reserved the infants in this suit to shew cause, if any they can, against this decree, at any time within one year, after they shall severally attain the age of twenty one years.

Report of the  
Division of the Slaves  
belonging to the Estate  
of David J. Baykin dec'd  
made 22<sup>nd</sup> January 1834



1834 Apr 22<sup>nd</sup>

Agreeably to a decree of the County Court of Taunham-  
-pton, bearing date January Court 1834, for the  
Division of the Slaves, belonging to the Estate of David  
J. Baykin dead, agreeably to his Will - amongst his  
Heirs, we the undersigned Commissioners, have proceeded  
To Carry said decree into effect, in the following  
manner to wit - in the first place, ~~we~~ we have valued  
all the slaves named in said decree, the aggregate  
amt<sup>r</sup> of which, was nine Thousand six Hundred dollars,  
in the second place, we have assigned to Elizabeth  
Baykin, widow of said dead, in right of her dower  
the following slaves to wit - Peter Edmund J. Kelly  
Betsey Lavina Farley Charles Edith Betty Maria  
Julia ~~and~~ James Emanuel and Harriet, valued  
at three Thousand two Hundred dollars, precisely  
One Third of the total valuation - and in the  
3<sup>d</sup> place we have divided the remaining two thirds,  
into five equal parts, as nearly as practical - and  
n<sup>o</sup>. them n<sup>o</sup>. 1. 2. 3. 4. & 5. and have allotted to Josiah  
Tolly, in right of his wife Margaret, the following  
negroes to wit - n<sup>o</sup>. 1. Dennis Edmund Venus Sylvia  
and Angelina, valued at Thirteen Hundred & twenty  
five dollars, and for him to pay to John. P. Baykin,  
Thomas D. Baykin and Elizabeth S. Baykin, the sum of  
Eighteen dollars and 75/100 each - we have allotted to  
Thomas D. Baykin lot n<sup>o</sup>. 2. namely Sam Prussian Mary  
and Lucy, valued at twelve Hundred & fifty dollars,  
To John. P. Baykin lot n<sup>o</sup>. 3. namely James Hannah  
Milly and Eliza, valued at twelve Hundred & fifty dollars,  
and to Elizabeth S. Baykin, n<sup>o</sup>. 4. namely Simon Henderson  
amus Marcella and Lane, valued at Twelve Hundred  
and fifty dollars, - lot n<sup>o</sup>. 5. we have assigned, as the lot  
of Martha Baykin. dead, namely Ben Tim Cyrus William  
and Winifred, valued at Thirteen Hundred & twenty five doll<sup>r</sup>s,  
which Lot, we have in obedience to said decree

Subdivided into five Equal parts, as nearly as practical,  
and allotted to Elizabeth Boykin, the mother of said deceased  
in fee simply, One boy Ben, valued at three Hundred  
dollars, and for her to pay to her ward and Daughter Eliza  
S. Boykin, the sum of thirty five dollars, to Josiah Solly,  
One boy William, valued at three Hundred dollars, who is  
to pay to John P. Boykin, fifteen dollars, to Thomas Q.  
Boykin, fifteen dollars, and to Elizabeth S. Boykin the  
sum of five dollars, to Thomas Q. Boykin, One girl Win-  
fred, valued at two Hundred fifty dollars, and to  
Elizabeth S. Boykin One boy Cyrus valued at Two Hun-  
-dred and Twenty five dollars

which is most respectfully submitted to the  
Court

22<sup>nd</sup> January 1834

Silas Summerell } Comrs  
J. M. Boykin }  
Patrick Dolz }

Southampton Jamaica County Court 1834

John Boykin, Josiah Solly and Margaret his wife  
late Margaret Boykin, Thomas D. Boykin and  
Elizabeth S. Boykin the said Thomas D. and Eliza-  
beth infants under the age of twenty one who sue by  
John Boykin Jr. their next friend. Comps.

In Chancery

against  
Elizabeth Boykin widow, relict and Legatee of  
David S. Boykin decd. Dft.

By Consent of the parties and with the assent of the Court this Cause  
came on this day to be heard, on the Bill, Answer, and Will of the  
said David S. Boykin, filed as an exhibit in this Cause and was  
argued by Counsel, on consideration whereof, the Court doth adjudge  
Order and Decree that Silas Summerell, Benjamin Drew, Patrick  
Dolz and John Boykin Senior or any three of them do allot as-  
sign and set apart unto the defendant Elizabeth Boykin, one  
third part of the following Slaves belonging to the estate of David  
S. Boykin, (the whole of which have heretofore been held and  
enjoyed by the said Defendant as Legatee that is to say) Peter,  
Edmond, Edmond Jr. Thomas, Simon, Amos, Demus, James, Tally  
Prussian, Emanuel, Henderson, Benjamin, William, Timothy, Cyrus  
Angelina, Lucy, Manilla, James, Mary, Lavinia, Hannah, Minerva,  
Charles, Sally, Maria, Julia, Harriet, Edith, Venus, Betsy, Jane  
Betty, Middy, Sylvia and Eliza, thirty seven in number, as and  
for her dower right for life in the Slaves of the Testator her late husband  
which allotment to her is now made, in conformity to the Will of the said  
Testator, her son John Boykin, one of the Complainants, having arrived  
at the age of twenty one years, at which period of time a dower right  
is decreed to be assigned her, and the Court doth further adjudge, order  
and decree that the same Commissioners or such of them as may act, after  
dividing into five equal parts, or shares, the residue of the said named  
Slaves, do assign and deliver over to the Complainant John Boykin  
one of the said parts, also to the Compt. Josiah Solly, one other of the  
said parts, in right of his wife Margaret, and to the infant Complain-  
ants Thomas D. and Elizabeth S. Boykin, each, one other of the said  
parts or shares each, and the said Commissioners or such of them as  
may act will then proceed to dispose of the remaining one fifth part

or share, which is to be laid off for the share of Martha M. Boykin one of  
the Testator's children and legatus who died an infant and intestate which  
said  $\frac{1}{3}$  is to be subdivided into five parts and equally divided between the  
Complainants John Boykin, Sarah Lolly in right of his wife the two infant  
Complainants, and the Defendant, they being the brothers and sisters and  
mother and heirs at Law of the said deceased infant Legatus and entitled  
to her portion, in the said  $\frac{1}{3}$  of her father's Slaves immediately.

And the Court perceiving that it may be extremely difficult or im-  
possible, to divide in kind the share or portion of the said deceased infant  
Martha M. doth further adjudged order and decree that the said Complain-  
ers, or such of them as may act, after giving ten days notice of the time and  
place of sale do sell for cash, one or more of the Slaves in the share of  
the said Martha M. at public Auction to the highest bidder, as by the  
said Complainers may be deemed proper and necessary, and as may be  
required for the purpose of making a just fair and equal division as  
last aforesaid directed and make report of their proceedings to this Court  
in Order to a final Decree, Liberty is reserved the infants in this suit  
to shew Cause if any they Can against this Decree at any time within one  
year after they shall severally attain the age of twenty one years.

A. Copy  
Teste James R. Chellie C. C.

*[Faint, illegible handwriting in the upper right corner of the page.]*

15. *[Decorative flourish]* Decm.

Paykin

A. Coffy

At a Court held for the County of Somerset the 15<sup>th</sup> day of November 1830  
This last will and Testament of David I. Boykin deceased as proved by the oaths  
of John Mercer, Samuel Atkinson and Patrick Doles three of the Witnesses thereto  
and Ordeal to be recorded. And on the motion of John H. Chapman the Executor  
therein named who made oath and together with Allen Edwards Jonathan Luter, Esq  
Clerk and Messrs Clements his Assessors entered into and acknowledges a bond  
in the penalty of Ten Thousand dollars conditioned as the Law directs Certificate  
is granted the said John H. Chapman for obtaining a probat. of said will in  
due form.

Teste  
James Rockwell Ck

A Copy Test: James Rockwell Ck

David I. Boykin's  
will.

A

St. John

Rockwell

David I. Boykin's

In the name of God Amen I David J Boykin of the County of Southampton and State of Virginia being diseased in body but of sound mind and perfect memory think proper to make this my last Will and Testament in manner and form as follows to wit. It is my will and desire that my Exec<sup>r</sup> sell to the highest bidder the tract of Land that I purchased of Matthew Turney for the purpose of paying my just debts together with as much of my Chattel Estate as my wife may think proper to give up for that purpose and of the proceeds of the sale of the said tract of Land together with what may arise from the sale of the Chattel Estate that may be given up shall not be sufficient for the purpose of paying all my just debts. It is my will and desire that my Executor sell to the best advantage either for cash or credit so many of my negroes as may be necessary to supply the deficiency. Item 2<sup>nd</sup> I lend unto my beloved wife Elizabeth the whole of the tract of Land wherein I now reside to use and cultivate as she may think proper together with all my negroes stock of all kinds and Chattel Estate of all description except so much as may be required for the payment of my just debts as above specified until my son John shall arrive at the age of twenty one years unless she shall marry before that time for the purpose and on condition that she shall board and educate my five children - namely John, Margaret, Martha M. Thomas D. and Elizabeth. It is I Boykin at the time my son John shall arrive at the age of twenty one years It is my will and desire in that case that a dower right shall be allowed my said wife in my negroes and the ~~services~~ services of the Chattel Estate agreeable to the Laws of Virginia and. I loan her the plantation wherein I now reside as long as she lives a single life at her marriage. I only allow her a dower right in the said tract agreeable to the Virginia Laws and the balance of the plantation wherein I now reside I wish sent out by my Executor. And at the death of my beloved wife I wish my plantation wherein I now live sold to the highest bidder by my said Executor. And the net proceeds arising from the sale to be equally divided among my five children above named. And it is further it is my will and desire that all my remaining negroes be equally divided among my five children above named, the dower right excepted at the time my son John arrives at the age of twenty one years to them and their heirs forever. Item 3<sup>rd</sup> At the death of my wife it is my will and desire that the dower negroes be equally divided between my five children within named John, Margaret, Martha M. Thomas D. and Elizabeth J. Boykin which I give unto them and their heirs forever. the remains of my Chattel estate and the rents of my plantation if any I give to my five children above named to them and their heirs forever.

Lastly I nominate and appoint my friend Doct. John A. Chapman of the County of Isle of Wight my whole and sole Exec<sup>r</sup> to this my last will and Testament hereby revoking all others made by me before. In witness whereof I have hereunto set my hand and affixed my seal this 16<sup>th</sup> August 1830.

Signed sealed and acknowledged

In presence of  
Saml. G. Boykin  
John Mercer  
Saml. G. & H. H. Hinson  
Patrick Doles

David J. Boykin

Club's Certificates

B.

Southampton County, February Court 1832.

On Motion of Allen Edwards setting forth that he is bound in this Court as the security of John H. Chapman for his due and faithful administration of the estate of David I. Boykin dec'd and that he conceives himself to be in danger of suffering damages by occasion thereof and praying the Court for relief. And the said John H. Chapman appearing in Court and acknowledging to have received due Notice thereof by Consent of the said John H. Chapman and Allen Edwards it is ordered that the said John H. Chapman give the said Allen Edwards good Counter Security, the bond for which purpose is to be in the penalty of the first bond and conditioned as the Law directs. And the said Chapman refusing to give the said security it is ordered that the duties and powers of the said John H. Chapman as Executor aforesaid be revoked.

A. Copy Teste James Rochelle Clk

Southampton County, February Court 1832

Ordered that the unadministered estate of David I. Boykin, dec'd be committed to the hands of Clement Rochelle Sheriff of this County and that the same according to Law.

A. Copy Teste James Rochelle Clk