

1844-030 SOUTHAMPTON COUNTY
CHANCERY PAPERS

BOYKIN et al VS ENNIS' GUARDIAN vol
6/1844

n.b. sheets pasted together & folded.

other surnames: Barrett

Bayliss

2 } Bill Am.
2 } Decree

Comis 5th ad litem

1844 Febry - Decree as filed

" Mar. Decree amended

" Apr. Report

May Rep: confirm^d

To the worshipping County Court of Baupré -
ampton in Chancery sitting

Y^our humble complaining plaintiffs unto your
courships, your complainants, Edwin Boy-
kin and James Boykin, that some time
since Frederick Boykin, a brother of your
compts; died leaving a widow, one son and
a small piece of land, situated in the County
aforesaid and containing about 100 acres,
that afterwards the widow married one Under-
wood and a short time afterwards the same
died under age, leaving as his nearest rela-
tives on the part of the father, two paternal
uncles, your complainants, and two chil-
dren of a deceased paternal aunt; To wit.
Lucy Ann Ennis and Matilda Ennis
Your complainants are advised that they to-
gether with the said Lucy Ann and Ma-
tilda Ennis are ~~intitled~~ ^{now} in-
titled to the whole interest of the said ^{part} of
Frederick Boykin in said land, which is
a fee simple interest in possession of two-
thirds of said land, and a reversion in fee in
the other third, to come into possession at the
death of Susan Underwood, who was for-
merly Boykin, the widow of the said
Frederick Boykin - Your complainants
beg leave to state that the land above named
is now and has been for some time past,
in the possession of the said Underwood, and
is lying a very wasteful condition, that it is
so situated that it would sell for nothing
and your complainants desire the same to
be sold for a division, which they are advised
they have a right to ask of the hands of the
worshipping Court, in as much as the share
of each would not exceed \$300, - In con-
sideration of the premises. Your compts
pray that the said Lucy Ann and Matilda

Ennis, infants under the age of 21 years, may be ~~made~~ dependants to this bill, by Jacob Bonnet, whom your court may be appointed their guardian ad litem, and that your worship would cause a sale of the whole interest in said land owned by your court and the said infants, and the distribution of the proceeds of said sale according to right and justice. and they will as in duty bound our pray &c.

Respectfully shown your
attys

Answer of Lucy Ann and Matilda Ennis infants, by Jacob Bonnet their guardian ad litem.

This respondent reserving and saving to himself &c. for answer says that the facts set forth in the bill are, he believes, true, and has no doubt that a sale of the land mentioned would ensure to the benefit of all parties concerned, and having answered prays leave to be dismissed the court with his costs &c.

Boylrin &
2

Ennis, g^d. ad litem

Decree

This day this cause came on to be heard, by leave of court and consent of parties and was argued by counsel. On consideration whereof the court doth order, decree and adjudge, that Jacob Bonnet, who is hereby appointed special commissioner for the purpose, after advertising the time and place of sale for 15 days, do proceed to sell at public auction to the highest bidder, ^{for cash} the undivided interest of Edwin Boylrin, James

Boylrin and Lucy Ann and Matilda, Ennis in the tract of land mentioned in the bill of which Frederick Boylrin died seized, and after paying the expenses of this decree, he pay over one third of the balance of the proceeds of sale to Edwin Boylrin in his own right, one third to James Boylrin in his own right and the other third to Edwin Boylrin as guardian ad litem to the infants Lucy Ann & Matilda Ennis, and that he give the parchment deed for the interest of said parties in said land with general warranty, and make report to this court in order to a final decree.

Boy / Linda
2 { James - D. Dean

Prize 3000000

1844 March

Boylvinde

5
2

Amended Decree

Ernis 3^d edition

March 1844

This day this cause came on
as ^{by consent of parties} to be heard, on the papers for sale
read and was argued by counsel. On
consideration whereof the Court doth
order appelle and decree, That - Jacob
Boylvinde the special Commissioner, ap-
pointed by the decree of the last term of
the Court, he and he is hereby directed, to
sell the land mentioned in said decree, after
having given due and proper notice of the
time and place of sale, to the highest bid-
der on a credit of six months, except
so much as may be necessary to defray the
expenses of this decree, which he is re-
quired to retain in cash, and that he
take of the purchaser three bonds with
good security, one for one third of the
proceeds of sale, and assign the same to
Eduard Boylvinde, in his own right; one for
one third of the proceeds and assign the same
to James Boylvinde, and one bond for the other
third and assign the same to Eduard
Boylvinde as guardian at law to Lucy ~~the~~
& Matilda Ernis - and report his proceed-
ings to the Court &c -

Baykin

~ } Copy Deed

Ennis

Southampton March Term 1844

Edwin and James Boyken

against

Lucey Ann and Matilda Ennis. infants by Jacob Barrett their
guardian ad litem

Peffs

In Chancery

Dfts

This day this cause came on again to be heard by consent of parties on the
papers formerly read and was argued by counsel. On consideration whereof the
Court doth order, adjudge and decree that Jacob Barrett the Special Commissioner
appointed by the decree of the last Term of the Court, he and he is hereby directed,
to sell the land mentioned in the said decree, after having given due and
proper notice of the time and place of sale to the highest bidder on a
credit of six months except so much as may be necessary to pay the expenses
of this decree, which he is required to retain in cash and that he take
of the purchaser three bonds with good security, one for one third of the
proceeds of sale and assign the same to Edwin Boyken in his own right,
one for one third of the proceeds and assign the same to James Boyken, and
one bond for the other third and assign the same to Edwin Boyken as guardian
at Law to Lucey Ann & Matilda Ennis and report his proceedings to the
Court. &c.

Additional Costs 36 cts.

Attest

Teste

L R Edwards ckl

In compliance with the requisitions of the above decree, I have
proceeded to sell the lands therein mentioned And Etheldred
Smith having become the purchaser at the sum of three
hundred and ninety nine and ²⁵/₁₀₀ dollars. From which amount
I deducted twenty two and ⁷⁰/₁₀₀ dollars for the clerks fee and my
commission for the remainder said Etheldred Smith has
executed three bonds of equal amounts with N^t Williams
as security which bonds I have paid over as above
directed Given under my hand and seal this 6th day of April 1844
Jac Barrett (Seal)

Boyskin

2 Copy Deered.

Ennis

1844 Apr. 12th.

Southampton February Court 1844.

Edwin Boykin & James Boykin
against.

Lucy Ann & Matilda Ennis by Jacob Banett their
guardian ad litem

Deft } In Chancery
Deft }

This day this cause came on to be heard, by leave of Court and consent of parties and was argued by Counsel. On Consideration whereof the Court doth order decree and adjudge that Jacob Banett who is hereby appointed Special Commissioner for the purpose, after advertising the time and place of sale for fifteen days, do proceed to sell at public auction to the highest bidder, for cash, the undivided interest of Edwin Boykin, James Boykin & Lucy Ann & Matilda Ennis in the tract of land mentioned in the bill, of which Frederick Boykin died Seized and after paying the expenses of this decree, he pay over one third of the balance of the proceeds of sale to Edwin Boykin in his own right, one third to James Boykin in his own right and the other third to Edwin Boykin as guardian at law to the infants Lucy Ann & Matilda Ennis, and that he give the purchaser a deed for the interest of said parties in said land with general warranty and make report to this Court in order to a final decree.

Colts costs \$2.38.
36
\$ 2.74

Attest.

Justo.

L R Edwards Clk

Colts fees paid. L R Edwards.