1856-003 SOUTHAMPTON COUNTY CHANCERY PAPERS BOYKIN VS WARREN, EXTORS etal

11/1856

other SURNAMES: JONES

~~40~~ 34

Boykin

v. } Papers

Warrens Exrs

1656. Nov.

Boykin

v. } Stat. Rules.

Warrens Exrs. &c

In Southampton Circuit Court.

Mary E. Boykin an infant by Wm. M Jones her next friend Pltff.

against

William E Warren & Joseph E Warren both in their own right and as Executors of Etheldred Warren dec'd. and Lydia Warren Defts.

1856 March 19th Summons issued returnable to April Rules.

" April Rules 7th Summons Ex. Bill filed & Decree Nisi v. Defts.

" " " 28th Bill taken for confessed Cause set for hearing &c

" May 7. Decree for Account.

" Oct 1st. Report.

" Nov 7. Decree &c.

Bessi Costo

Elk.	ℳ 6.20
Schiff	3.50
Com.	15.00
Saw 1.	16.50
	ℳ 41.20

Mary E Boykin &c

vs 3 Bills Exhibit

Warren Executors &c

1856 April Rules

To the Honorable Richard H Baker judge of the circuit court of Southampton County in chancery sitting

Humbly complaining your oratrix Mary E Boykin an infant of tender years who sues by William M Jones her next friend, sheweth unto your Honor that sometime in the year 1855 - Ethelred Warren the grandfather of your oratrix departed this life possessed of considerable estate both real and personal having first duly made and published his last will and testament which was admitted to probate in the county court of Southampton at October court 1855 - and that Wm J Warren and Joseph E Warren the executors therein named qualified as such giving bond and security in the penalty of twenty five thousand dollars all of which will more fully appear by a certified copy of the said will herewith filed marked A and prayed to be taken as a part of this bill, your oratrix further sheweth unto your Honor that the testator after giving a certain portion of his estate by land negroes to his wife Lydia Warren in lieu of her dower or thirds, gave to your oratrix a negro slave girl named Fanny and then directs that the balance of his slaves after taking out those specifically bequeathed to his wife Lydia and the one to your oratrix be equally divided between your oratrix and Wm J and Joseph E Warren and as to his chattle estate besides his negroes and one yoke of oxen the testator died intestate, your Oratrix states that the testator Ethelred Warren at his death was out of of debt and that if he owed any thing it was for the current expenses of each year and that the executors have paid off all the debts by this time and that the estate is now ready for distribution, and that they should now pay over to her, her distributable share

in the chattels and also deliver to her the slaves given her by the will

In Tender consideration whereof and inasmuch as your oratrix is without remedy at law and only entitled to relief in a court of equity where such matters are properly cognizable she therefore humbly prays, That Wm G Warren and Joseph E Warren both in their own right and as executors of Ethelred Warren Dec'd and Lydia Warren wife of Ethelred Warren Dec'd may be made parties defendant to this bill and compel them as full and perfect answer to the matters herein contained as if they had been thereto more fully and specially interrogated that the court would direct the said Wm G and Joseph E Warren to settle an account of their transactions as executors of Ethelred Warren dec'd before a commissioner of this court and that the court would decree that they pay to your oratrix her distributable share, that they also deliver to her lawful guardian both the girl Fanny and whatever other negroes may be coming to her from a division of the balance of the slaves between her and Wm G and Joseph E Warren and that the court would grant unto her other and general relief the premises considered as equity may dictate and the nature of her case may require and as in duty bound your oratrix will ever pray &c

Thanes G. G.

Воробьеву
в Дело
Ивановскую

Это вложено
в Д. Н. Баку
Мая 3. 1856

Boykin
vs 3 Decree
Warren exr &c

This cause this day coming on to be heard on the bill taken for confessed as to all the defendants William G Warren Joseph E Warren and Sydia Warren on whom process has been duly served they also failing to appear and plead answer and demur to the said bill, the exhibit filed, and was argued by counsel on the consideration whereof the court doth adjudge order and decree that William G Warren and Joseph E Warren settle an account of their transactions as executors of E Thelona Warren before a commissioner of this court that they also settle an account of their transactions as acting guardians of the infant Mary E Boykin before the said commissioner who is hereby directed to report the said accounts together with any special matter stated deemed pertinent by himself or so required to be stated by any of the parties

and the court doth further adjudge order and decree that the said commissioner also ascertain the number value and description of the slaves bequeathed jointly to William G Warren and Joseph E Warren and Mary E Boykin by the testator who is hereby directed to report the said accounts together with any special matter stated deemed pertinent by himself or so required to be stated by any of the parties

Southampton Circuit Court. May Term, 1836.

Mary E. Boykin an infant of under years who sues by Wm. Jones her next friend. pltff

against

Wm. J. McCarren & Joseph E. McCarren Exrs of Ethelred McCarren and also in their own right and Lydia McCarren Defts

This cause came on this day to be heard on the bill taken for confessed as to all the defendants William J. McCarren Joseph E. McCarren, and Lydia McCarren on whom process had been duly served, they still failing to appear and plead and answer and demur to the said bill, the exhibit filed and was argued by Counsel, On the consideration whereof, the Court doth adjudge, order and decree that William J. McCarren and Joseph E. McCarren settle an account of their transactions as executors of Ethelred McCarren before a Commissioner of this Court, that they also settle an account of their transactions as acting guardians of the infant Mary E. Boykin before the said Commissioner And the Court doth further adjudge, order and decree that the said Commissioner also ascertain the number value and description of the slaves bequeathed jointly to William J. McCarren and Joseph E. McCarren and Mary E. Boykin by the testator, who is hereby directed to report the said accounts together with any special matter stated deemed pertinent by himself or as so required to be stated by any of the parties.

A Copy

Teste,

Henry S. Nevins, D.C.

X

Boylston by n.
w 3 Feet.
Warren ass

Nov. Court 1856
To be entered
R. H. B.

Boyskin by ne
vs 3 Decm
Warren &c

This day this cause came on again to be heard on the papers formerly read and the report of Commissioner Howard made pursuant to a decree of this court entered at the May Term 1856 and to which no exception have been filed and the court confirming the said report and also by consent of parties adopting a report made to the county court of Southampton at this June term 1856 by commissioners Elijah Vaughn, Osmon W Bryant Samuel C Darden and Augustus Crumpler dividing the slaves of Etheldred Warren dec'd the court doth adjudge order and decree that Wm G. and Jos E Warren executors of Etheldred Warren dec'd pay to the present guardian of Mary E Boykin the sum of Five thousand and eighteen dollars and ninety two cents $5018.92 cts and that they also deliver up to the said guardian the following slaves to wit. girl Fanny, woman Hannah, girl Rose and girl Martha: and the court doth further adjudge order and decree that Mary E Boykin pay to Cosyln E Warren the sum of $16.34 cts and to Wm G Warren $16.35 cts and that Jos E and Wm G Warren executors of Etheldred Warren dec'd pay to Mary E Boykin the costs by her in this suit in this behalf expended

Boykin

v. Sumner Chy

Warrens Exrs

1856 April Rules

Executed on each by
delivering to them a
copy. apl. 1/1856.

Wells D. Sumner
Dept. for S. Wells Sheff.

THE COMMONWEALTH OF VIRGINIA :

To the Sheriff of Southampton County—GREETING :

We command you to summon William G. Warren & Joseph O. Warren Exors of Ethelbred Warren and also in their own right and Lydia Warren

to appear at the Clerks office of our Circuit Court of Southampton county at the Rules, to be holden for the said Court on the first Monday in April next, to answer a bill in Chancery, exhibited against them in our said court by Mary O. Boykin an infant of Tender years who sues by Wm W. Jones her next friend

And have then there this writ. WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court at the Courthouse, the 19 day of March 1856 in the 80 year of the Commonwealth.

L R Edwards cc

Commissioner's Office
Jerusalem, August 15th 1836

To Mary E. Boykin an infant of tender years who sues by Wm M. Jones her next friend plaintiff
And Wm. J. Warren and Jos. E. Warren Exrs of Ethelored Warren and also in their own right and Sydia Warren defendants.

You are hereby notified that I have fixed upon the 6th day of September 1836, to take and settle at my office in Jerusalem the account of Wm J. Warren and Jos E. Warren transactions as executors of Ethelred Warren; also an account of their transaction as acting guardian of the infant Mary E. Boykin; and also an account of the number, value and description of the slaves bequeathed jointly to William J. Warren and Jos. E. Warren and Mary E. Boykin by the testator required to be taken by the decree of Southampton Circuit Court rendered at the May term 1836, in a suit in Chancery depending in said Court, in which you are parties plaintiff and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

Henry S. Howard, Com.

To the Sheriff of Nansemond County to execute

3

Executed - and a true copy of the within
Notice delivered to William M. Jones
next friend &c;

H. H. Kelly Shff.
Tuscumbia Co.

Respectfully &c.
to S. Cumb. Notice
Tuscumbia Exon

Boykin by &c
vs } Canis Notice
McCanns Exrs &c

Executia on Wm G
Worrum & Josiah
& Worrum & Lydia
Worrum this 4th Aug
& 2 Sptr 1856 by delivering each a copy
Dr. R. Blow
D Sh for 3 Kello Shff

Commissioners Office,

Jerusalem, August 15th 1836

To Mary E. Boykin an infant of under 14 years who sues by Wm H. Jones her next friend plaintiff. and. Wm. J. Warren, & Joseph E. Warren exrs of Ethelred Warren and also in their own right and Lydia Warren defendants.

You are hereby notified, that I have fixed upon the 6th day of September next (1836,) to Take and State, at my office, in Jerusalem, the account of the transactions of Wm. J. Warren & Joseph E. Warren as executors of Ethelred Warren dec'd; also an account of their transactions as acting guardian of the infant Mary E. Boykin; and also an account of the number, value and description of the slaves bequeathed jointly to Wm. J. Warren, Joseph E. Warren and Mary E. Boykin by the Testator, required to be Taken by the decree of Southampton Circuit Court rendered at the May term 1836, in a suit in Chancery depending in said Court in which you are parties plaintiff and defendants; At which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

Henry S. Howard, Comm.

To the Sheriff of Southampton County to execute.

Henry S. Howard, Comm.

Boykin

v. } Copy Report

Warrens Exrs

Filed by pltffs Counsel. Oct. 13
1836.

B.

Southampton County Court June Term 1856

Joseph E. Warren Pff
against } In Chancery
Lydia B. Warren, Wm G. Warren & Mary E. Boykin Defts

The Commissioners in this cause this day made their report which is in these words.

"The undersigned Commissioners appointed by a decree of the said Court a March term thereof for the purpose of assigned to Lydia B. Warren the just third in value of the real estate of which Ethelbred Warren died seized and for the further purpose of assigning or allotting to Mary E. Boykin one part third of the negro Slaves of which the said Ethelbred died possessed and which were not specifically bequeathed by his last Will and Testament beg leave to Submit the following as their report - We have assigned to Lydia B. Warren the following tract or portion of land supposed to contain Sixty six acres to wit. the Eastern portion of the land divided by the County road leading from the State line to Smiths ferry - We have allotted to Mary E Boykin the following negro slaves. Hannah. Rose. and Martha. and the said Mary E. Boykin is to pay to Joseph E Warren $66.34 cents and to Wm G. Warren $16.36 to equalize the division. All of which is respectfully Submitted

Elijah Joyner
Arman W. Bryant
Sam. A. Darden
Augustus Crumpler

$66. 34 cents to Joseph E. Warren
$16. 36 cents to Wm G. Warren.

A Copy

Teste S R Edwards clk

Boyton by &c.

vs } Comm.rs Report.

Warren's Exors.

1856 October 1st Ret.d

Mary E. Baskin, an infant of tender years who sues by Wm M. Jones her next friend Plff

against

Wm. G. Mason & Joseph E. Mason Exors of Ethelored Mason, and also in their own right, and Lydia Mason. Defendants

In Chancery

The Estate of Ethelored Mason dec'd
In account with Wm. G. & Jos. E. Mason, his Exors.

			Dr		Cr	
1848						
Octo	15	By cash found in hand			78	22
Nov	1	To paid Uriah S. Bracy acct	1	50		
"	"	By Amt rec'd from Sale of Cotton			148	65
Dec	19	To paid Saml. A Dadson appraiser	1	00		
"	"	" " E. Joyner "	1	00		
"	"	" " Augustus Crumpler "	1	00		
"	20	" " Selige Carson Cryer	3	00		
1849						
Jany	21	" " John J. Knobel Attorney	21	00		
Feby	1	" " Wm. G. Mason's Acct	38	23		
March	1	" " Edwin Smith bal. on bond	301	10		
"	10	" " Orsan M. Bryant appraiser	1	00		
June	11	" " Dr. Hutchings, Med: bill	23	50		
"	"	" " S. D. Winbon acct	5	43		
"	12	" " W. R. Lawrence "	10	31		
"	12	" " A. E. Hall for coffin	10	00		
"	20	By account of Sales due this day			1407	39
"	"	To Commissions on $1636.26	81	81		
Sept	6	" paid Jos. E. Gillette acct	10	00		
"	"	" " Jno. G. Wilson "	2	50		
"	"	" " Clerks ticket	3	26		
"	"	" balance due the estate	1119	62		
			1636	26	1636	26
"	"	By balance the estate brought down			1119	62

with interest thereon from this day till paid.

Respectfully Submitted

Henry S. Howard Comr.

Mary E. Boykin a Minor
In account with Wm. G. Warren & Jos. E. Warren acting guardians.

			Dr		Cr	
1836						
		To paid Dr. Peete med. bill	16	50		
April	1	" " board for Mary E. Boykin for three months this year	21	00		
"	"	By balance due guardians			37	50
			37	50	37	50
"	"	To balance due guardians brought down.	37	50		

Respectfully Submitted

Henry S. Howard, Comr.

An Account of the Number, Value and description of the Slaves bequeathed jointly to Wm. G. Warren, and Joseph E. Warren and Mary E. Boykin by the Estate

		Value	
Chaney woman aged 18 years & child aged 12 months		900	00
Rose girl aged 16 years		800	00
Betty girl " 17 "		700	00
Hannah woman " 36 "		500	00
Martha girl " 12 "		400	00
Lewis, Boy " 10 "		400	00
Peter, Man " 60 "		300	00
Tommy " " 65 "		150	00
James Boy " 7 "		430	00
John " " 7 "		450	00
Total Valuation of Slaves	$	5430	00

Respectfully Submitted

Henry S. Howard, Comr.

Commissioners Office.
Jerusalem, September 22d 1836.

To the Circuit Court of Southampton County.

Pursuant to a decree of the Circuit Court of Southampton County, rendered at the May term 1836, in a suit in chancery depending in the said Court between Mary E. Boykin by her next friend Wm. M. Jones plaintiff against Wm. G. Warren and Joseph E. Warren Executors of Ethelred Warren dec'd and also in their own right and Lydia Warren Defendants, the undersigned one of the Commissioners of the said Court to whom was referred for settlement the account of Wm. G. Warren's and Joseph E. Warren's transactions as executors of Ethelred Warren dec'd, also an account of their transactions as acting guardians of the infant Mary E. Boykin, and also an account of the number, value and description of the slaves bequeathed jointly to William G. Warren and Joseph E. Warren and Mary E. Boykin by the testator, reports to the Court, that on the 15th day of August 1836, he issued notices against the several parties aforesaid, requiring them to attend the settlement of the said accounts before him, at his office on the 6th day of September 1836, which were returned to your Commissioner duly executed. That the executors aforesaid appeared before the Commissioner in obedience to the said notices, and he thereupon examined the vouchers filed and settled the foregoing account of their transactions as executors aforesaid of the estate of the said Ethelred Warren deceased up to the 6th day of September 1836, and on that day finds

abalance due the said estate from the executors aforesaid of $1119.62 & all principal with interest thereon from that day. also the foregoing account of the transactions of William G. Warren and Joseph E. Warren, as acting guardians of Mary E. Boykin up to the 1st April 1856, and on that day finds a balance due the acting guardians of $37.50 and also the foregoing account (made up from the evidence of E. Joyner & Augustus Crumpler) of the number, value and description of the slaves bequeathed jointly to William G. Warren and Joseph E. Warren and Mary E. Boykin, showing the total amount of valuation to be $3430.

The Commissioner drawing it pertinent states & reports specially to the Court that under a decree of the County Court of this County Commissioners were appointed to divide the slaves above mentioned bequeathed jointly to the said William G. Warren and Joseph E. Warren and Mary E. Boykin by the testator and that in obedience to the said decree the said slaves were actually divided between them as directed & Mary E. Boykin was directed to pay Jos. E. Warren $66.34 & Wm. G. Warren $16.36 to make the shares drawn by them equal to the one drawn by her, & the Executors hired out the negroes drawn by the said Mary E. Boykin for the sum of $107.62, which will become due at the end of this year, which your Commissioner had no regard in making up the guardianship account.

The Commissioner further reports to the Court that after the completion of the said accounts he retained them in his office ten days for the examination of the parties, which with the de-

ces and notices aforesaid are herewith returned.

Given under my hand, as Commissioner aforesaid, the day and year aforesaid first mentioned.

Henry S. Howard, Comr.

Commissioners fee $15.00
Charge to Mrs E. & Jos: E. Cannon
Exors of Ethelred Cannon dec'd.
Sheriff's fees $1.50 of this County
Sheriff of Nansemond fee $ .50¢

Ethelred Warren's

Bill

Answer

Exhibit A

Boyden
vs
Exhibit with bill

Warrens Exrs &c

I. Ethelred. Warren, of the County of Southampton and State of Virginia, being of sound mind and memory, do make and publish this my last will and testament in manner and form following, that is to say:

1st. I give and devise to my beloved wife Lydia the following slaves viz: Moses, Dinah, Sophia and Sally, also one third of my lands including my Mansion house, all out houses and other improvements, to have and to hold during the term of her natural life or widowhood in satisfaction for and in lieu of her dower and thirds of and in all of my real estate. I also loan my said wife one Yoke of Oxen during her natural life or widowhood.

2nd At the death or marriage of my said wife my will and desire is that the abovenamed slaves and their increase be equally divided between my two sons viz: William G. Warren and Joseph E. Warren, and the abovenamed third of my lands &c. I give and bequeath unto my son Joseph E. Warren by his paying to my son William G. Warren the sum of seven hundred and fifty dollars ($750) to him and his heirs forever.

3rd. I give and bequeath unto my son Joseph E. Warren all of the balance of my lands, to him and his heirs forever.

4th. I give and bequeath unto my grand daughter Mary E. Boykin, One Negro Girl named Fanny.

5. Should my said grand daughter, Mary E. Boykin die without a lawful heir my will and desire is that the said Negro girl Fanny and her increase be divided between my above named Two sons William G. Warren and Joseph E. Warren

6th My will and desire is that the balance of my slaves not abovenamed be equally divided between my abovenamed sons William G. Warren, Joseph E. Warren and my said grand daughter Mary E. Boykin to them and their heirs forever, provided however that if my abovenamed grand daughter Mary E. Boykin should die without a lawful heir begotten of her body then in that event my will and desire is that the portion allotted to her in the division and their increase be equally divided between my two sons abovenamed viz: William G. Warren and Joseph E. Warren. And lastly I do hereby constitute and appoint my beloved sons William G. Warren and Joseph E. Warren my lawful Executors to all intents and purposes to execute this my last will and testament according to the true intent and meaning of the same, and every part & clause thereof hereby revoking & declaring utterly void all other wills and testaments by me heretofore made.

In witness whereof, I, the said Etheldred Warren do hereunto set my hand and seal this 13th Day of September, A.D. 1855.

Signed, sealed published and declared by the said Etheldred Warren to be his last will & testament in the presence of us who at his request & in his presence, do subscribe our names as witnesses thereto

Etheldred. Warren (Seal)

Jos: R Darden
Saml. D. Wimborne
Augustus Crumpler

State of Alabama held for the County of Southampton the 13th Day of October 1855. This last Will and testament of Etheldred Warren dec'd was this day proved by the oaths of Jos. R. Darden, Saml D. Wimborne and Augustus Crumpler, the subscribing witnesses thereto, and thereupon ordered to be recorded. And on the motion of Wm. G. Warren and Joseph E. Warren the executors therein named, who made oath and together with Augustus Crumpler, Saml. Wells, John Rochelle & Elijah Joyner his securities (who justified on oath as to their sufficiency) entered into and acknowledged a bond in the penalty of Twenty five thousand Dollars conditioned according to law, Certificate is granted them for obtaining a probat of the said will in due form.

Teste,
D. W. Edwards, C.C.

A Copy
Teste,
Henry S. Howard, D.C.