

1866-11

Southampton County - Chancery

Griffin, John Cullen & Namnih vs. ~~Ugahart~~ ^{Kenneth}
_{M. et al}

* plat within

Others -

Boykin, Caroline

Boykin, Mary Virginia

Boykin, Maria Louisa

Guardian (ad litem)

Edwards, L.R. to
infant Boykin, Richard
S.

Garrison & wife

107

Irishman & wife
* others.

Bill.

1866 April. heard & seen as filed.

July - Report and
devel as filed.



To the worshipful the Justices of the County Court of South
ampton in Chancery sitting.

The bill of Complaint of John Ballou Griffin and Anne
to his wife respectfully represents that John Boykin
departed this life intestate on the day of in the
year 1858 intestate leaving surviving him his
widow Caroline M. Boykin and the following
children his heirs at law. Your Orator who
has been married with your Orator. Mary
Virginia Boykin who has since intermarried with
Thomson M. Ungerhart. Maria Louisa Boykin
who has departed this life unmarried and without
issue after having attained the age of twenty one
years, and Richard S. Boykin the last one of whom
is an infant under the age of 21 years. That the
said intestate died seized and possessed of
a tract of land consisting of about of 2500
acres situated in this County. That before there
had been any apportionment to the said widow
of her dower in the lands of her said husband
she departed this life. Your Orator and Oratrix
are advised that the lands of which the said
intestate died seized and possessed are lia-
ble to partition among his children and heirs
at law according to their respective rights and
interests therein. To the end therefore that justice
may be done and inasmuch as your Orator and
Oratrix are without remedy in a Court of Law
and reliefable only in a Court of equity. Where
such matters are properly cognizable. They
pray that the said Thomson M. Ungerhart and
Mary Virginia his wife and the said Richard S.
Boykin may by proper process be made parties
defendant to this Bill and compelled to answer

its allegations. The adults in prison person and the
infant by Guardian ad litem to be appointed by
the Court. That Your Honors will make a
decree directing a partition of the said
lands among those entitled according to their
respective rights and interests. Grant the same
upon oath of the said of the said Commanding
and all such other aid and relief as Equity
and good conscience may dictate and as in
duty bound they will ever pray.

Good P. Q.

Sho Cullen, Griffin & wife 3
H. M. Inghart & wife & others 3 In Chy 5
The Plaintiffs this day filed their bill against the Defen-
dants and on motion of the Plaintiffs the Court doth
appoint L. R. Edwards Guardian ad Litem to the
infant Defendant Richard S. Boykin to defend his
rights in this suit. And thereupon the Defendants
Hanneth M. Inghart and Mary Virginia his wife
by Counsel and the Defendant Richard S. Boykin
by his Guardian ad Litem filed their answers
to said bill and by consent of parties the
admits by Counsel and the infant by his Guardian
ad Litem this Cause is set down for hearing and
by like consent the same came on this day to
be heard upon the bill of the Plaintiffs, the answer
of the Defendants, general replication thereto and
was argued by Counsel. Upon consideration whereof
the Court doth adjudge order and decree that
Peter S. Holmes, James B. Inghart, S. H. Holmes
John Boykin and James G. Jones who are hereby
appointed Commissioners for the purpose (any three of
whom may act) do go upon the lands in the bill
and proceedings mentioned whereof the said John
Boykin died seized and possessed and divide
the same into three equal parts, quantity and
quality being taken into consideration and
allot one part thereof to Hanneth M. Griffin for
herself Hanneth M. Boykin, another part thereof to
Mary Virginia Inghart, formerly Mary Virginia
Boykin and the other part thereof to the proper
Guardian of Richard S. Boykin. In making the
said partition no difference is to be made between
the shares of the parties but the share of each is
to be laid off as nearly equal as possible. And the

Said Commissioners are hereby authorized to employ
the County or some competent Surveyor to survey
said plat the said lands. They are also directed
to report their proceedings to this Court in order
to a further decree.

1866. April

Deputy

Answer of Kenneth
me & wife.

18th April

Dear Sir I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the above named matter. I have the pleasure to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Yours obedient servant,
Kenneth

The answer of Kenneth M. Hogarth and Mary Virginia his wife to a Bill of complaint exhibited against them & others in the County Court of Southampton by No. 6 Allen Griffin & wife.

And the said Respondents saving and reserving to themselves the benefit of all proper exceptions to said bill. For answer thereto answer and say that they admit all the allegations of the Plaintiffs bill to be true and are willing that the Court shall make a decree directing a partition of the said lands as asked for. And having fully answered they pray to be hence dismissed &c.

Kenneth M. Hogarth.

Mary Virginia Hogarth

by

No. 6 Allen for

Atty.

Account of
R. S. Boykin and

1866. April

The answer of Richard S. Boykin an infant under the age of 21 years by L. R. Edwards his Guardian ad litem to a bill of Complaint against him and others in the County Court of Southampton by the William Griffin & wife.

And the said Respondent says that he is an infant under the age of 21 years and by reason of his tender years cannot be presumed to know his rights in the premises. He therefore submits them to the protection of the Court

Richard S. Boykin

L. R. Edwards

Guardian ad litem

Grieff und Mitleid

25

Weghant & others

Daer ee.

Enten

Weghant

Griffin & wife

vs.

Ugghart & others: 3 In chy.

This day this cause came on again to be heard upon the papers formerly read and the report of John P. Boykin Samuel H. Holmes, P. J. Holmes and James G. Jones four of the Commissioners appointed by a decree of this Court rendered at the Term 1866 to make partition of the lands whereof John Boykin died seized and possessed among those entitled according to their respective rights and was agreed by counsel. Upon consideration whereof the Court approving said report doth confirm the same and doth adjudge, order and decree that the allotment therein made in manner and form as aforesaid to Hannie Griffin formerly Hannie Boykin, Mary V. Ughart formerly Mary V. Boykin & to Richard S. Boykin be kept firm and stable. And it appearing that a sale of that portion of the said lands known as the "House tract" would be proper and the Court being of opinion that the dividend of each of the parties would exceed the value of three hundred dollars, it is ordered that this cause for further proceedings to be had therein be removed to the Circuit Court of Southampton County.

Goffin wife

my

Longworth wife

May Term 1868

Deer

To be entered

R. H. Baker

Griffin & wife

or

Ungersbach & wife & others.

This day this cause
came on to be heard upon the papers for-
merly made in the County Court of Southampton
and was argued by counsel. And it appearing
to the Court that since this cause was removed
from the County Court, the Defendant
Richard S Boykin has attained the age
of twenty one years and that the said Richard
S Boykin and the said Thimette M Ungersbach
and Mary Virginia his wife have sold and
conveyed their interests in the tract of land
belonging to the estate of the said John Boykin
designated in the Commissioners report as
the "House Tract" to the Plaintiff John
B Griffin, it is ordered by consent of
parties that the said sale and conveyance
be and the same are hereby confirmed.
The Court doth further adjudge, order and
decree that the costs of this suit be paid
by the parties in equal proportions —

Comms
Report
on the division of
the lands of
the Boykin de

1866 July

James H. H. H. H.
James H. H. H. H.

We the undersigned, Commissioners, by virtue of a decree rendered at your Term, for the purpose of dividing the lands belonging to the Estate of the late John Boykin among the heirs at law, beg leave most respectfully to report,

On the 31st of May last in compliance with said decree we proceeded to examine the lands, assess their value and to divide them, if practicable, with a due regard to the interest of each heir.

The heirs are R. M. Argus, in right of his wife Mary daughter of the said Jas Boykin, Jas C. Griffin in right of his wife Annie also a daughter of the said Boykin & Richd Boykin a son who is a minor, about twenty years of age, & represented by his guardian Dr S. B. Kells.

The lands have been regularly surveyed (a plat herewith accompanying) & consist of 2 $\frac{3}{4}$ acs 3 Rods. & 36 Rods.

Upon examination we found the peculiar locality of the various sections thereof and the value of one styled the "House tract" having upon it all the buildings, a fine orchard & all the improved lot land, made it impracticable to divide the whole of it into three equal or nearly equal parts.

We therefore came to the conclusion that the only practicable satisfactory & impartial arrangement would be to divide the entire farm into four sections viz Jenkins Tract, Mill tract, Cox Tract & the "House tract".

The three first mentioned sections were drawn for by lot & the "Jenkins tract" fell to R. M. Ungulwaer, the "Cox tract" to Jno C. Griffin & the "Mill tract" to Richard Boykin all of whom were present & recorded as agreeing to the arrangement.

As to the "House tract" for the reasons above given we respectfully advise the Court to issue a decree ordering the sale thereof (possession to be given 1st of January next as it is rented out for the present year) as we are satisfied no equitable division of it can be made.

The "Jenkins tract" consists of 697 acres & Woods & 07 Rods & was valued at 3. (Three Dollars) per acre. It is bounded as follows; On the North, Pine tree, side line, Ungulwaer's land to Blackwater River down Blackwater to Johnson's Island Gulley, then by a staked line running North 50° East to a corner stake, then North to Ungulwaer's line.

The "Mill tract" consists of 591 acres & Woods & 12 Rods & was valued at 3. (Three Dollars) per acre.

It is bounded as follows - by a staked line on the North & North East running South 50° East to Johnson's Island Gulley, then down Blackwater River to a cypress stump below & near the Bridge of the Norfolk & Petersburg Rail-Road, then to a sweet gum on Purcell's Road then up the line of M.E. Norrworthy, to a post oak at Blacksmith's Shop then running North East to Tucker Swamp then North 4° West to a corner stake on Jenkins line.

The "Cox tract" consists of 541. 3. 09 & was valued at 4. (four Dollars) per acre.

It is bounded as follows; commencing at a cypress in Tucker Swamp - then to a Post oak at Blacksmith's Shop then South to an Oak stump on the Purcell's Road. then to corner Pear stump in Sanders field then North West to Hickory, for and aft - at Boykin & Harrell's Corner - between Harrell & Harrell - then North & North East down Tucker Swamp to the corner Cypress.

The "House tract" consists of 487. 3. 08 & was valued at 9. (nine Dollars) per acre.

It is bounded as follows; commencing at a corner cypress in Tucker Swamp. then North 4° West to a corner Pine on Ungulwaer's line then down Holmes line to a corner Pine in Teaspoon Swamp - then up Teaspoon Swamp to Sumner's line at the mail-pit branch - up the branch to a corner gum - then to a corner Pine on Tines's land. then South to the Rail-Road then down Tines's branch to its intersection with Tucker Swamp - then down Tucker Swamp to the corner Cypress.

To recapitulate

	Value	A	R	R
The Jenkins tract valued at 3.00 per acre	697.0.07			
" Mill " " " 3.00 " "	591.1.12			
" Cox " " " 4.00 " "	541.3.09			
" House " " " 9.00 " "	487.3.08			

The differences in their values to be arranged upon the sale of the "House tract" & the remainder after such arrangement can be equally divided between those entitled. All of which is respectfully submitted.

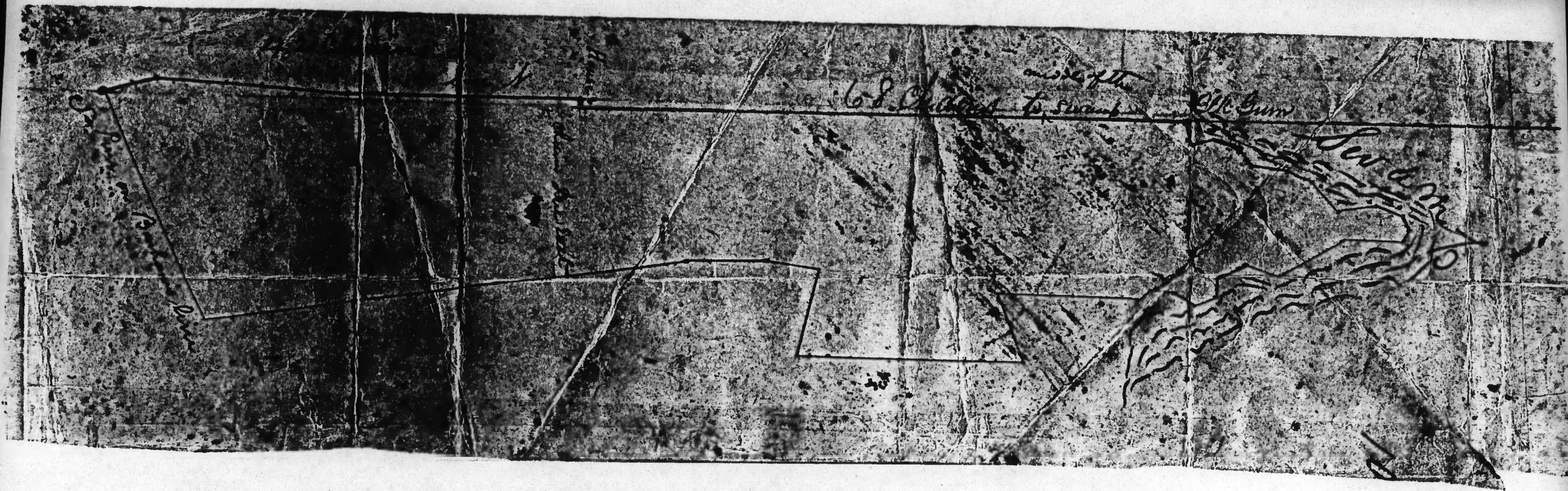
John, Boykin }
Samuel Holmes }
P. H. Holmes }
June 4th 1860 }
Commons

~~65 54~~ 53.

Griffen Luise

vi } Papers

Urguhart Luise



VIRGINIA: In the Clerk's Office of the Circuit Court of Southampton County,
the 3rd day of April, 1995. This plat taken from the chancery cause,
Caroline M. Wilson and Samuel H. Wilson vs. Martha Wilson, decided in 1873.
A copy was made and retained with original papers.

Teste: Wayne M. Cook Clerk