

1878-06

Southampton County Chancery.

Boothe, Caroline

vs Boykin, J. F.

Sues for partition of Real Estate

Love, Elijah
(Committee of 1)

Booth by me

vs 3 Bill
Exhibits

Boykin

1877 April Rules

To the Honorable George Blow judge of the
Circuit Court of Southampton in chancery sitting

Caroline Booth a person of unsound mind
who was by Elijah Loe her next friend
and committee she with unto you that in
the year 1841 - Peter Booth of Southampton
County departed this life leaving a tract
of land containing 187 aers 2 R & 24 fr by
actual survey and leaving two children
M. A. Booth and Caroline Booth his heirs at
Law, Your complainant shows and states
that Caroline Booth has been an idiot
and person of unsound mind from her
birth and now remains so that she is
possessed of no estate except this
88 aers of land held in co-tenancy with
her sister that she has been part of the
time living in the poor house and at
others subsisting on the charity of
benevolent persons and is now living
with Elijah Loe who in Decemr
1873 was appointed her curator and committee
as will appear by a copy of the order
appointing ^{the same} her with files marked A and
prayed to be taken as a part of this bill

Your complainant sheweth further that
at the Decemr county court 1873 the said
tract of land was sold for Taxes amounting
to the sum of \$8.75 and on the 5th of
May 1874 a deed was made to the purchaser
J. F. Boykin all of which will more fully
appear by a copy of the said deed submitted

filed marked B and prayed to be taken as a part of this bill, your complainant states that this land stood on the land books in the name of Peter Booth until it was sold and that Caroline Booth who is now 26 years old was incapable of attending to her affairs and had no one to attend to them up to the time of sale. It is stated further that since the sale the purchaser J. F. Boykin has ~~been~~ purchased from Martha A. Booth her half and has refused to take the taxes and costs and charges from Caroline Booth and make her a deed again for her land.

Your complainant states that it is necessary for the court to have an enquiry whether this land can be divided or not if so to allot to Caroline Booth one half of the same upon her paying the taxes and charges and appointing a commissioner to make her a deed or if this cannot be done to sell the same for division unless J. F. Boykin will pay her the value reported by the commissioner.

In further consideration of this and inasmuch as your complainant is without remedy at law and only entitled to relief in a court of equity where such matters are peculiarly cognizable it is prayed that J. F. Boykin may be made a party defendant to this bill and that the court would compel him as free and perfect answer made to the allegations therein contained as if he had

been thereto more fully and specially interrogated that he answer especially if he has not purchased from and paid to Martha A. Booth money for her interest in this tract of 11.7 acres and how ^{much} money he paid that he answer especially if there was not an offer to pay him the taxes and for Caroline Booth before a deed was made him and who made the offer and if so why he refused, and how much rent he has received for the said land since December 1873.

And that the court would direct one of its commissioners to ascertain and report whether this land can be conveniently divided between Caroline Booth and J. F. Boykin and if so that it be divided and that the said commissioner make her a deed for one half of the same but if it cannot then that the same may be sold for a division and after paying the costs divide the purchase money between her and J. F. Boykin and that the court would grant such other and general relief the premises considered as equity may dictate and the nature of the case may require and as in duty bound your complainant will ever pray.

Shanda p. 9.

Book by J.
v { Exhibits "A. & B."

Boyskin

A Court held for the County of Southampton
at the Court-house thereof on Monday the 15th day of
December A. D. 1873.

The Court doth appoint Elijah Love Committee of
the person and estate of Caroline Poole a person of unsound
mind: and thereupon the said Elijah Love together with
George H. Spivey and Newit Branch his securities, (who
justified on oath as to his sufficiency) entered into and ack-
nowledged a bond in the penalty of forty dollars conditioned
according to law, which bond is ordered to be recorded.

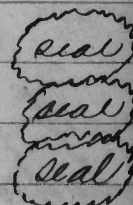
The following is a copy of the bond, to wit:

Know all men by these presents, that we
Elijah Love, Geo. H. Spivey and Newit Branch are held and
firmly bound unto the Commonwealth of Virginia in the
just and full sum of forty dollars, good and lawful money
of Virginia, to the payment whereof, well and truly to
be made, we bind ourselves, our heirs, executors and adminis-
trators, jointly and severally firmly by these presents.
Sealed with our seals and dated this 15th day of December
A. D. 1873.

The Condition of the above obligation is such,
that if the above bound Elijah Love as Committee of
Caroline Poole a person of unsound mind and her
estate, shall faithfully discharge the duties of his said
office or trust according to law, then the above obligation
is to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered }
in presence of the Court.

Elijah ^{his} Love
Geo. H. ^{mark} Spivey
Newit ^{his} Branch
mark



Whereas, by virtue of the provisions of Chapter 38 of the Code of Virginia, 1873, Jas. M. Corbitt Treasurer of Southampton County, did, on the 15th day of December, 1873, King Court-day, sell at the Court-house of said County, for non-payment of taxes thereon, a tract of land according to the following Memorandum, Viz:

The name of the person charged with taxes, was Peter Smith's Est.
The quantity of land charged was, two hundred & twenty (220) acs.
The local description of the land was as follows: lying on Lightwood Swamp.

The amount of taxes due was, eight dollars & seventy five cents.

The amount of fees due was, —

The quantity of land sold was, the whole tract.

The name of the purchaser was, J. F. Soykin.

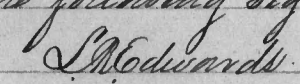
And the amount of purchase money was, eight dollars & seventy five cents.

And whereas from the date of said sale two years have elapsed and no one interested has returned the said land according to the 16th and 17th Sections of the aforesaid Chapter, and whereas, the purchaser of the aforesaid land, has, in accordance with the 19th section of the aforesaid Chapter, had a report made by the Surveyor of the aforesaid County to the County Court, specifying the metes and bounds of said land, and the names of the owners of adjoining, and giving such further description as will more fully identify the same; reference to which said report is hereby specially made.

And whereas the County Court of Southampton, at the April term, 1876, did order the said report to be recorded and the same has been so done. And whereas said J. F. Soykin who became the purchaser of the aforesaid tract of land, has applied to me, Littleton R. Edwards, Clerk of the County Court of Southampton County, for a deed for the said tract of land.

Now, therefore, I, Littleton R. Edwards, Clerk of the County Court of Southampton, by virtue of the foregoing and the authority in me vested by section 20th Chapter 38, Code of Virginia, 1873, do hereby grant and convey, with special

warranty, to the said J. F. Boylind the track of land bought by him of Jas. M. Corbitt, Treasurer, as aforesaid, on the day and year aforesaid, bounded as follows, to wit: Commencing at a pine cor. on Mr. Spivey's line; thence N 61 1/2° W 8-10 chains to sweet gum cor. for J. J. Spivey; thence along J. J. Spivey line N 62° W 1-82 N 59° W 3-38, N 61° W 1 Pa. 2-34, N 63° W 3-90 N 61 1/2° W 10-32, N 56° W 3-00 N 65° W 4-79 to cor. sweet gum on Joe Nelson's line; thence N 46° E 1-67 N 46° E 2-18 N 47° E 7-50 along Joe Nelson's N 47° E 6-10 N 46° E 5-14 to pine T. a. N 45° E 5-39. N 38° E 2-80 N 43° E 3-30, N 46° E 4-05 N 46° E 2-56 N 56° E 2-47 N 58° E 4-96 N 53° E 4-10, N 58° E 4-96. N 58° E 4-10 N 58° E to main run backus meadow; thence S 63° E gum S 6° along edge of swamp 2-42 N 32° E off to cypress 'a' S 8-5-6-4-04 N 80° E off to cypress b S 37° E 3-50 N 36° off to cypress c. S 84° E 3-30 S 65° E 3-10 S 77° E 3-16, S 62° E 3-44 N 52° E off to cypress 'c' S 53° E 6-62 N 25° W off to cypress 'c' S 35° W cor. on main run 0-43 N 4-67 S 35° W 7-66 S 37° W 4-32 S 33° W 3-46 S 35° W 6-43 S 32° W 2-38- S 37° W 2-50, N 64° W 2-50 N 53° W 2-82 N 63 1/2° W 5-33; thence S 1° W 20-34 chs. to commencement, containing 167 3/4 A. 24.

Witness the following signature and seal.
 (Seal)

Southampton County, In the Clerk's Office May 5th 1876.
 This Deed of Bargain and Sale from J. M. Edwards, Clerk to J. F. Boylind, was this day received and acknowledged by the said Edwards, Clerk as aforesaid, to be his act and deed, and admitted to record.

Teste, J. M. Edwards C. C.

Copies,

Teste, J. M. Edwards C. C.

Booth by me

as 2, notice
Boykin

Executed Sept-22nd,
1827

A. L. Cobb ~~sgd~~
By Spff-

J. F. Boykin Esq

Take notice that I shall on
Friday the 12th of October 1877
at Berline in Southampton County
between the hours of 10 O'Clock
in the morning and sunset
and to be continued from day to
day until finished proceed to take
the depositions of Samuel
Spicer, George W. Spicer, Sory
Warren and others to be used
as evidence in my behalf in
a certain suit now pending
in chancery in the Circuit
Court of Southampton wherein
I am plaintiff and you are
defendant

Sept. 25 1877
Caroline Booth
by E. Lora matfries

Jeremiah I. Spivey having been sworn, says, &c.

1 Question by Plaintiff's Counsel -

How long have you known Caroline Boothe,
The Plaintiff in this suit?

Answer - I have known her from childhood.

2 Question - Do you consider her a person of
unsound mind?

Answer - Yes Sir, I do.

3 Question - How long has she been a person of unsound
mind?

Answer - I don't know - I have never
been with her much. I only know that
now she is considered an idiot.

4 Question - What in your opinion is the value
of the tract of land now claimed by her
and Mr. Boykin?

Answer - I should think it was worth \$500.00
and fear that the Defendant can't get it.

Jeremiah I. ^{his} Spivey
mark

Jury J. Warren having been sworn, says &c.

1 Question - How long have you known Caroline
Boothe?

Answer - I have been knowing her all my
life - She is a little older than I am -

I am 24 years old -

2 Question - Do you consider her a person of
unsound mind?

Answer - Yes Sir, I do.

See page 5

4 Question - Did you not offer to pay to J. F. Boykin, the purchaser of the land, the taxes on the same?

Answer - I offered to pay Mr. Boykin a part of the money which he had paid for the taxes, I did not offer the whole of it - I told him at the time that I would pay him the balance at the end of the year when the rents came in - Mr. Boykin said at the time that he did not buy the land for himself, that he bought it for the benefit of the girls, meaning Martha & Caroline Brooke.

5 Question - What is the value of the whole tract of land?

Answer - I suppose it is worth \$500.00 cash.

6 Question - Can the land be conveniently divided?

Answer - Yes sir, - I reckon it can.

Questions by Defendant.

1 Question - Did you make Mr. Boykin the Defendant, an actual offer or tender in money of the part of the rent allowed to, or did you tell him only that you would pay him that part, or that you were ready to pay him that part?

Answer - I told him that I could pay him that part. I did not make him an actual tender of the money.

2 Question - Why did you not pay him the whole of the taxes which he had paid?

Answer - Because I did not have any funds in hand with which to pay it.

3 Question - Were you not the qualified Committee of Caroline Brooke at the time her land was sold for taxes?

land was sold -
4 Answer - I was - I qualified the same day the
Question - Why did you not redeem this land
before the two years had elapsed?

Answer - Because I didn't have the funds to
redeem it -

Question - Did you not receive the sum of
fifteen dollars for Caroline Boothe, in the
year '74 from Mr. Goodman Warren?

Answer - I did receive that amount from
Mr. Warren in November or December '74 -

5 Question - When did you qualify as guardian
of Caroline Boothe -

Answer - I think it was at November County
Court 74 - but I am not perfectly certain as
to the time - the same day the land was sold

6 Question - Why did you not then, having
the \$15.00 in hand, redeem the land by pay-
ing Mr. Boykin the taxes within the two years?

Answer - That was the money out of which
I told him I would pay him a part -

7 Question - Do you know what the taxes paid
by Mr. Boykin amounted to?

Answer - No Sir - I do not -

8 Question - Did you not receive any thing
in the way of rent for this land, for the next
two years after your qualification?

Answer - I received only the \$15.00 cents
from Mr. Warren, before alluded to -

And further this deponent saith not -

Elijah ^{his} Love

Jeremiah J. Spivey having been sworn, says, &c

1 Question by Plaintiff's Counsel -

How long have you known Caroline Boothe,
The Plaintiff in this suit?

Answer - I have known her from childhood.

2 Question - Do you consider her a person of
unsound mind?

Answer - Yes Sir, I do.

3 Question - How long has she been a person of unsound
mind?

Answer - I don't know - I have never
been with her much. I only know that
now she is considered an idiot.

4 Question - What in your opinion is the value
of the tract of land now claimed by her
and Mr. Baykin?

Answer - I should think it was worth \$500.00
and far less than the Defendant would not.

Jeremiah J. ^{his} Spivey
mark

Joy T. Warren having been sworn, says &c

1 Question - How long have you known Caroline
Boothe?

Answer - I have been knowing her all my
life - She is a little older than I am -

I am 24 years old -

2 Question - Do you consider her a person of
unsound mind?

Answer - Yes Sir, I do.

See page 5

The answer of J. F. Boykin, to a bill in chancery, exhibited against him in the Circuit Court of the County, of Southampton Va by Caroline Booth, a person of unsound mind, suing by Elijah Love her next friend.

This respondent saving & reserving &c says that it is true Peter Booth died in said County in the year Intestate & possessed of the Land referred to in the said Bill leaving ten children Martha A. Booth and ^{said} Caroline Booth.

That it is true said Elijah Love qualified as the Committee of said Caroline in the County Court of said County on the 15th day of December 1873, and executed the bond required by Law in the sum of \$40. with Geo. W. Spivey and Aunt Branch his sureties,

That on the 15th day of December 1873 your Respondent purchased at public sale before the Court house over the said Land, sold by the Jas. M. Corbett Treasurer of said County purchased by your Respondent, as set forth in the Bill; and that after the lapse of two years, he obtained from L. R. Edwards, clerk of the County Court of said County a deed for said Land, to wit on the 5th May 1876, & on the same day the said deed was duly recorded in the Clerk's office of said County, as will be seen by Copy of said deed filed ^{the said Bill as an exhibit} ~~hereunder~~ ^{as an exhibit} "—

That the said Elijah Love the Committee of said Caroline Booth, was present at said sale; your Respondent urged him to buy the said Land for the said Caroline Booth, which he refused to do. That

the said Elijah Love, Committee of said Caroline during the two years that elapsed after the sale did not redeem the said Land, though he well knew he could at any time within the said two years have done so; and now after the two years have passed & your Respondent ^{has} obtained a deed according to law the said suit is brought by the said Love to interfere with your Respondent's rights.

Your Respondent denies the right of said Complainant to raise the said Land, or to use the same.

Your Respondent further says that before he obtained title to said Land he did purchase the right of said Martha A. Borth in the same, which he has a right to do, & is under legal or moral obligation to do more for the interest of said Caroline.

That if said Caroline has suffered in the matter she should look to said Elijah Love her said Committee who refused to buy or redeem the said Land, although he had ample knowledge of the facts & could have done so. That your Respondent paid said Martha A. Borth for unsurveyed half of said Land \$200. supposing the tract contained 220 acres, whereas it has been ascertained by survey to be only 167 acres & a fraction, and that the price paid her was by virtue of prior agreement, & because your Respondent was disposed to be liberal to her, she having been kind in serving an afflicted sister of your Respondent; That after the two years have passed &

(see same Exhibit B)
and your Respondent obtained his deed for the same, the
said Love offered to repay the taxes, your Respondent
has paid, which your Respondent refused to accept; and
that after the purchase your Respondent very much
improved the place by repairs to the house & farm
which has greatly grown up in bushes & trees, for
the above reasons I became his title to said land
was complete, and the refusal of said Love came
to purchase the said land at the tax sale or
to redeem the same, until your Respondent had done
so much to the said place, did your Respondent
refuse to accede to said request to let the said Love
come take the said land from your Respondent?

That since Dec 1872 your Respondent ~~has~~
up to 1875 ^{only} Martha Ann Booth's debt, which was paid to her
~~received~~ ^{the other part paid to Elizabeth Love her Co-heiress of Caroline}

nothing to pay the taxes & improvements & Cost of Survey -

Your Respondent protests against the
disturbance of his rights; that least of all was
the said Love any right to complain after his
neglect of the interest of said Caroline Booth, & now
having her in his place as a servant doing the most
menial work, without compensation as your
Respondent believes that understood.

and having answered, pray me
to be hence dismissed &c.

J H Bayler

Southampton 69 v. 12 to int.

This day J. Z. Byrkin personally
came before me, being duly sworn say that
the facts and statements set forth in the above
answer are true to the best of his knowledge
and belief. Given under my hand this
21st day of April 1877

M. D. Duster

J.P.

Booth p. 10

M.

Byrkin

Answer of Sept.

1

The deposition of J. J. Boykin taken by
Consul at Jerusalem vs. ~~Southampton Co.~~ to be
used as evidence in a suit in Chancery now
pending in ^{the Circuit Court of} ~~said Court~~ Southampton Co.
wherein Caroline Booth
a person of unsound mind also sued by Elijah Love
her next friend plaintiff and J. J. Boykin is
defendant. The evidence taken on behalf of defendant.

The said J. J. Boykin being of lawful
age says as is set forth below, & being duly sworn.

Present John R. Kilby atty. for self &

Wm B. Maury atty. for plt.

1st Question, ^{by self atty} are you the defendant in said suit
I know as you

Answer I am the defendant in said case
I am fifty years old.

2^d Question by self atty

are you acquainted with Elijah Love
committee of Caroline Booth with said Booth
Ans. I am.

3^d Question, will you state what you may know
of the sale of any land or interest in any land
for Taxes, in which said Caroline had an interest
and if so, when said & who purchased the same.
Ans. In Dec. 1873 (Court day) there was a
tract of land sold by ^{the} officer for Taxes in which
she had ~~half~~ interest; Before the sale I spoke to
Elijah Love to pay one half the Tax on said land
& that I would pay the Balance for Martha Ann
Booth who owned the other interest, he gave me no

The deposition of J. J. Boykin taken by
 Assmt at Jerusalem & ~~Southampton~~ to be
 used as evidence in a suit in chancery now
 pending in ^{the Circuit of} ~~said Court~~ Southampton Co.
 wherein Caroline Booth
 a person of unsound mind also sued by Elijah Love
 her next friend as plaintiff and J. J. Boykin is
 defendant, the evidence taken on behalf of defendant.

The said J. J. Boykin being of lawful
 age says as is set forth below: I being duly sworn.

Present John R. Kilby atty. for plt. &

Wm B. Shandy atty. for plt.

1st Question, ^{by defts atty} are you the defendant in said suit
 I know as you.

Answer I am the defendant in said case
 I am fifty years old.

2^d Question by defts. atty

are you acquainted with Elijah Love
 committee of Caroline Booth with said Booth
 Ans. I am.

3^d Question, will you state what you may know
 of the sale of any land or interest in any land
 for taxes, in which said Caroline had an interest
 and if so, when said taxes were purchased the same.
 Ans. In Dec. 1873 (Court day) there was a
 tract of land sold by ^{the} officer for taxes in which
 she had ~~half~~ interest; Before the sale I spoke to
 Elijah Love, to pay one half the tax on said land
 & that James pay the Balance for Martha Ann
 Booth also owned the other interest, he gave me no

reply at first, & on seeing him the second time he said either he comes not or would not buy it. I then said to him that I should buy the Land for Martha Ann Booth. I bought the Land for \$8. some cents, the Taxes, -

4th Question Did Mr Elijah Love qualify as the Com. mto of said leasehold, & did he after your purchase of said ^{Land} at any time within two years after Dec. Court 1873 pay or offer to pay the part of said Taxes for which said leasehold Booth was responsible

Ans. The said Elijah Love I thought was her curator before that day but learned afterwards that he qualified that day: He did not offer to pay said Taxes in two years after said sale. but at Methodist Church in Southampton Co in August 1875 I saw said Love, he was under tree, sitting down, I went to him, & said to him that he had better pay the Tax - he said he could pay part of it; when I said to him he had better pay it all - I do not recollect his making any reply - I said to him in that conversation that I had bought the Land to protect Martha Ann's part.

5th Ques. After your purchase of said Land did you take possession; & if so did you improve the same and at what cost.

Ans. I did take possession of said Land after my purchase but did not do much improvement till my title was obtained - I rented the Land out to some

^{& Goodman women}
 by women for 1874 for \$30, & I to help fix the
 fence, the rent was paid - one half (\$15) to me
 which I gave to Martha Ann Booth & the other half
 (\$15) to Elijah Love Committee of Caroline
 Booth.

6 qus. What was then & is now the mental condition
 of said Caroline Booth

Ans. She is ~~not~~ like she was then, weak minded,
 or insane as you call it

7 qus. How long has she been in this condition

Ans. Ever since I have known her & I have known
 her for ten or twelve years.

8 qus. Where is she now & what is her employment

Ans. She is at Elijah Love, and doing any thing
 I suppose any negro woman could do. I have
 seen her hauling rails, hauling wood, putting
 lighters, hauling corn & shocking peanuts.

9 qus. Was the land referred to ever offered for sale
 & by whom & was it sold

Ans. The land was offered for sale, & by Geo. W. Spivey
 overseer of the Poor, & not sold because he learned
 he had no authority, it was taken in at \$135. bid
 in for the county or Mr Spivey said

10 qus. What was the interest offered Caroline worth
 in Dec 1873 in said land

Ans. ^{The whole place}
 It was then worth not more than \$275 or \$300
 of which Caroline's interest was one half -

10 qus. By whom. Have you improved the place since
 you got your deed & to what extent & expense

Ans I have continually, ⁴ I cleared out about 1000
gallon of ditches, cut down & cleared about
twenty acres of old field grown up with pines,
some large enough to make 8 or 10 rails to the cut,
I have expended up to this time all of \$150
in labor & money
including interest, having at times 7 or 8 hands
besides plowmen. I had to break up part of the
land this year at my own expense; I perceive it
will make to the tenant,

11th ques. by same

What is now a fair value of the whole
of said land

Ans. I consider the whole place now worth
\$450.

12 ques. Have you purchased Martha Ann Booths half of
said land & when & at what price.

Ans. I have, in the fall of 1875 October or Nov. & for
about two hundred dollars.

Cross questioned by Wm B. Shaver atty for pt.
When you asked Mr Love at
Missfeld to pay the Taxes did you
tell him how much was due
Ans. No sir I did not for
I did not really know it had
been sold the second time
besides I had to pay other
taxes

Booth for ps

v

Bayview

Leopoldtown

Returned by J R Tyler
Comm of October 16. 1877

2

Question by The same

Did you buy this half of the land from Caroline Booth

Answer I never bought anything from Caroline Booth

Question by The same did you ever offer to buy her land from her

Answer No sir

Question by The same Why did you buy Martha Anne Booths share and not offer to buy Caroline Booths share

Answer Martha A Booth was with a sister of mine stayed with her a good many years and had asked me to protect her right and secure her land she had proposed to me to make me a deed of trust &c. did not offer to buy Caroline Booths share because she had a curator to protect her part and she never asked me to protect her part

And further this deponent saith not

Signed J H Boykin

Booke, by Lewis and friend

as 3

J. F. Boykin

Depositions

(1877 Oct. 12th Returned)

3 Question - How long has she been a person of unsound mind?

Answer - Pretty well all her life, I reckon.

4 Question - What is the value of this tract of land in controversy?

Answer - About \$500. I reckon.

5 Question - Have you seen the land or worked on it since Mr. Boykin owned it?

Answer - Yes Sir, I have done pretty well all the work that has been done on it, or had it done, except what Mr. Boykin had done.

6 Question - What is the value of the improvements put on this land by Mr. Boykin?

Answer - They are worth considerable - the place is worth much more than it was when Mr. Boykin bought it.

7 Question - What would the place rent for now per year?

Answer - I reckon it would rent for \$40 to \$50 now per year.

Questions by Defendant.

1 What did the place rent for before Mr. Boykin improved it?

Answer - It rented for very little - A year or two before Mr. Boykin got it, it rented for the fencing only which was about 2000 rails - The next year for a fourth

of the crop, which was very little, not more
than a barrel or two of corn - and the ^{first}
year Mr. Bytkin ^{had} ~~lost~~ it, it rented for \$30
And further the defendant saith not
J. J. ^{his} Warren
mark

Dr. Samuel B. Kello having been duly sworn
on behalf of the Defendant, say as follows
I consider the Plaintiff a person of
very feeble intellect - not capable of
managing her own business - I could not
say that she what the doctor would
call an idiot or lunatic.

I was called on to say what, in my
opinion was the value of the land, at
the time Mr. Bytkin bought it - I considered
that \$350 was its full value then -
Mr. Bytkin has improved the place to
the extent of \$75. or \$100

And further this defendant saith not

J. B. Kello
Lease money fee \$2.00
for taking the deposition
Virginia }
Southampton County }
Sworn to - }

I hereby certify that the foregoing depo-
sitions were taken at the time, place & manner
mentioned in the Caption.

J. J. Kello
Clerk of the Court

Booth by me
as 3 Secrec
Booth

We consent to the
within Decree

Jm B Shands
atty for McCarty
John R. Kelly Son
attos. for J. D. Booth

May Term 1878
To be entered

Geo. T. Blount

Booth by me
w 3 Decem
Boykins

This day This cause
came on again to
be heard on the
papers formerly read.

and was argued by counsel on consideration
whereof by consent of parties The court
doth adjudge order and decree that
upon J. F. Boykins paying to Caroline
Booth the sum of one hundred and
sixty two and a half dollars it shall
be a discharge in full for all claims
which she may have of, in, or to,
a certain tract of land containing
eighty acres more or less formerly owned
by the said Caroline Booth and sold
for taxes and purchased by the said
J. F. Boykin. The said payment vesting
the title fully in the said J. F. Boykin.

Booth by me
as 3 June
Boykin

We want to this
even Sch. R. Kelly p. 2
from 13 Shanas for
plaintiff
Geo. V. Blod.

Booth by me
vs 3 Deere
Boykin

This day this cause
came on to be heard
on the plain-tiffs bill

and exhibits therewith filed examination of
witnesses general demurrer to the plain-tiffs
bill which was overruled, answer of the
defendant J. F. Boykin and general
replication thereto and was argued by
counsel on consideration whereof the
court doth adjudge order and decree
that one of the commissioners of this court
enquire and report to court the amount
of Taxes for which Caroline Booths land
was ^{sold} 2nd such additional Taxes thereon
as may have been paid thereon by the
purchaser J. F. Boykin 3rd The costs
of the survey, ^{+ also of cost concerning the same} 4th The costs of the
report of the surveyor and 5th The cost
of the clerk writing ^{and recording} the same, together
with any other matters specially stated
demanded pertinent by himself or which
he may be argued to so state by any
of the parties interested

92

Booth by J^o

Stat. Rules

Boyskin

1878 May. Final decree by
consent.

In Southampton Circuit Court

Caroline Booth a person of unsound mind who sues by Elijah Love
her next friend and Committee Plaintiff
against J. F. Boykin Defendant } In Chancery

1877 Feb 22^d Summons issued
March R. Sum^s ret^d too late to execute - All sums awarded
Apr. Sum^s ret^d Executed Bill filed. D. Nisi & Def^s
May Bill taken for Confessed & Cause set for hearing
May J. Decree for account &c

1878 May Decree by consent

for 11.00 paid

Edward
May 11 1878

for 11.00

1876 May 3 check 10.00

Boyd

To { Bond

Edwards Clerk

Southampton County: In the Clerk's office May 5th 1876.
This Deed of Bargain and Sale, from E. Edwards, Clerk to J. F.
Boyd, was this day received and acknowledged by the said Edwards,
Clerk as aforesaid to be his act and deed, and admitted to record.

Wit,
E. Edwards Clerk.

Whereas, By virtue of the provisions of Chapter 38 of the Code of Virginia, 1873, *Jas M Corbitt* Treasurer of Southampton county, did, on the 15 day of December 1873, being Court-day, sell at the Courthouse of said County, for non-payment of taxes thereon, a tract of Land, according to the following MEMORANDUM, viz: *Peter Booths Est.*

The name of the person charged with taxes was, *Peter Booths Est.*

The quantity of land charged was, *two hundred thirty (230) acres*

The local description of the land was as follows: *lying on Lightwood Swamp*

The amount of taxes due was, *Eight dollars twenty three cents*

The amount of levies due was,

The quantity of land sold was, *the whole tract*

The name of the purchaser was, *J F Boykin*

And the amount of purchase money was, *eight dollars twenty three cents*

And whereas from the date of said sale two years have elapsed and no one interested has redeemed the said land according to the 16th and 17th Sections of the aforesaid Chapter, and whereas, the purchaser of the aforesaid land, has, in accordance with the 19th section of the aforesaid Chapter, had a report made by the Surveyor of the aforesaid County to the County Court, specifying the metes and bounds of said land, and the names of the owners of adjoining tracts, and giving such further description as will more fully identify the same; reference to which said report is hereby specially made.

And whereas the County Court of Southampton, at the *April* term, 1876, did order the said report to be recorded and the same has been so done. And whereas the said *J F Boykin* who became the purchaser of the aforesaid tract of land, has applied to me, LITTLETON R. EDWARDS, Clerk of the County Court of Southampton County, for a deed for the said-tract of land. Now, therefore, I, LITTLETON R. EDWARDS, Clerk of the County Court of Southampton, by virtue of the foregoing and the authority in me vested by Section 20 Chapter 38, Code of Virginia, 1873, do hereby grant and convey, with special warranty, to the said *J F Boykin*

the tract of land bought by him of *Jas M Corbitt*

Treasurer as aforesaid, on the day and year aforesaid, bounded as follows, to-wit: *Commencing at a pine cor on N^m Spiveys line thence at 61 1/2° W 8.10 chs to sweet gum Cor for J J Spivey thence along J J Spiveys line at 67° W 1.82 at 59° W 3.38 at 61° W 1° Fa d 34 at 63° W 3.90 at 61 1/2° W 10.32 at 56° W 3.00 at 65° W 4.79 to Cr Sweet-gum on Joe Adams line thence at 46° E 1.67 at 46° E 2.18 at 47° E 4.50 along Joe Adams at 47° E 6.10 at 46° E 5.14 to pine Fa at 45° E 5.39 at 38° E 2.80 at 43° E 3.30 at 46° E 4.05 at 46° E 2.56 at 56° E 2.47 at 58° E 4.96 at 53° E 4.10 at 58° E 4.96 at 58° E 4.10 at 58° E to main run Soaches meadow thence S 63° E gum S 6° along edge of Swamp 2.42 at 32° E off to Cypress 'a' S 55° E 4.04 at 80° E off to Cypress 'b' S 37° E 3.50 at 3° E off to Cypress 'c' S 84° E 3.30 S 65° E 3.10 S 77° E 3.16 S 162° E 3.44 at 52° E off to Cypress 'c' S 55° E 6.62 at 25° W off to Cypress 'b' S 35° W Cor on main run 0.43 at 46° S 35° W 17.66 S 37° W 4.32 S 33° W 3.46 S 35° W 6.13 S 32° W 2.38 S 37° W 2.50 at 64° W 2.50 at 53° W 2.82 at 63 1/2° W 5.33 thence S 1° W 20.34 chs to commencement Containing 167⁺ 2^R 24^R*

Witness the following signature and seal:

L R Edwards (Seal.)

Booth p 10

m

Boykin

Demure

Booth p. p.

In ch.

vs

In the Circuit Court of Southampton Co. Va.

Braykin

The defendants say that the plaintiff's bill
is insufficient in law. wherefore he prays
Judgment &c.

John R. Kelly, p. d.

Booth Jr 12

v

Boyskin

1877

May 11,

new

which was granted

Booth for ps

v

Boskin

This day the defendant by John R. Kelly
filed a demurrer to the plaintiffs Bill, in which
the plaintiff joined & the same being argued,
The Court on consideration both overrule the
said demurrer: and thereupon the next
by his Counsel asked leave to file his
answer to said Bill, which was granted
& the ^{said} answer was accordingly filed, to
which the Jlt. replied finally & the cause
is continued to the next Term

Booth Lps

n

Baykin

Leemur

1877

May 11

filed

overlaid

Booth's friend

m

Boykin

The defendant says the Bill of the
Comptroller is not sufficient in law.

Memorandum for clerk

Copy order December 1843 appointing Elyse
Love committee of Cordwain Booth and
as Comtee bond of any

A

Also deed from Clerk to J. F. Boykin
conveying 1/4 acre land sold as Peter Booth

B

Shawd p. 5.

Booth by

& { Sum's.

Boykin

1877 April Rules

Executed by delivering
J. H. Boykin a copy of
this summons on the
19th day of March 1877

W. W. Briggs skff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

as at another time we have
WE COMMAND YOU TO SUMMON *J. F. Boykin*

if *he* be found within your bailiwick, to appear at the Clerk's 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 him in our said Court by *Caroline Booth* a person of unsound mind, who sues by *Elijah Love* her next friend and Committee

And have then there this writ.

WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *7th* day of *March*, 187*7*, in the *101* year of the Commonwealth.

L. R. Edwards cc

Books by J.C.
to J. Smith
Very kind

1877 March Rules.

"
Came to hand too late
to be Executed.

W. W. Duggi staff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

as at another time we have
WE COMMAND YOU TO SUMMON *J. H. Boykin*

if *he* be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court of Southampton County
at the rules to be holden for the said Court, on the first Monday in *March* ~~April~~ *next* to answer

*a bill in Chancery exhibited against him in our said Court
by Caroline Booth a person of unsound mind who sues by Elijah
Love her next friend & Committee*

And have then there this writ.

WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *27th*
day of *February* ~~February~~ *March*, 187*7*, in the *10th* year of the Commonwealth.

L. R. Edwards cc
