

1866-009

Chancery Causes: Winney Watkins vs Mary Jane Watkins, Henning Watkins 'admr +

Isle of Wight County

al

other surnames: Holland,
Eley, Pinner, Ashburn,
[Ashburn - Watkins]

Kilby J. J.

Winney Watkins & als.

Chy. paps.
H
v.

Mary Jane Watkins & als.

1866.

Feb. rules - Bill filed. and.
exd. & decern nisi m. m. f.
Watkins - N. P. Young ap. gov.
admission to inst. - then acc. filed
& gen. rpl. also and. of A. B.
as liborn adro. sup?

March rules - set for hearing.

May term 1866 - Decern for act.

Sept. 17. 1866. rpl. filed.

Presump. then sent

KNOW ALL MEN BY THESE PRESENTS, That we

are held and firmly bound unto

gentlemen justices of the
in the just and full sum of

Dollars; to the

payment whereof, well and truly to be made to the said justices for the time being,
and their successors, we bind ourselves, our heirs, executors and administrators, jointly
and severally, firmly by these presents: sealed with our seals, and dated this

day of

in the year one thousand eight hundred

and

THE CONDITION of this obligation is, that, if the said

administra

of the goods, chattels and credits of

deceased,

do make a true and perfect inventory of all and singular the goods, chattels and cred-
its of the said deceased, which have, or shall come to the hands, possession or knowl-
edge of the said , or in the hands or possession

of any other person or persons for , and the same so made, do exhibit unto the

aforsaid, when shall be thereunto required by

the said court; and such goods, chattels, and credits, do well and truly administer ac-
cording to law; and further, do make a just and true account of actings and

doings therein, when thereto required by the said court; and all the rest of the said
goods, chattels and credits which shall be found remaining upon the account of the

said administra , the same being first examined and allowed by the justices of

the said court for the time being, shall deliver and pay unto such persons respectively,

as are entitled to the same by law; and if it shall hereafter appear, that any last will

and testament was made by the deceased, and the same be proved in court, and the

executor obtain a certificate of the *probat* thereof, and the said

do in such case, being required, render and deliver up

letters of administration, then this obligation to be void, else to remain in full force.

Witness.

SEAL.

SEAL.

SEAL.

SEAL.

Kilby p. 9.

Winney Watkins
sal;

W S Bill

Mary Jane Watkins
to others.

Feb. rules 1866 filed.

Sum. 1866. and decrees made
w. M. J. Watkins - The ans. of
A. H. Ashburn filed & apd. -
gdn. addition apd. to infants.
their ans. filed & apd. - and
~~decrees made w. M. J. Watkins.~~

" March rules 1866. set
for hearing.

W S Bill

J. of W. Cir. Ct.

John and William Watkins -

In consideration whereof and as this Court has jurisdiction to grant the Relief prayed for, to the End your Complainants pray that Mary Jane Watkins, Alexander H. Ashburn as administrator of Henning Watkins dec'd., John Watkins, and William Watkins, the last two being Infants, may be made Defendants hereof, and be compelled to answer the allegations herein - That the saids aforesaid may be sold and after paying to the said Mary Jane Watkins an equivalent for her share therein, that then the aforesaid claims against the said Wiley Watkins may be paid, and that out of the share of Henning Watkins, aforesaid the several claims aforesaid against him may be paid and the balance that may remain may be divided among those entitled as above set forth - But if the said Mary Jane Watkins shall refuse to accept a money equivalent for her share in said Lands, that then her share may be duly assigned her & the Lands remaining may be sold for the purposes aforesaid - That the accounts of Alexander H. Ashburn as admr of Henning Watkins dec'd. may be settled, and that such other and further relief may be granted as may be consistent with Equity - and your Complainants will &c.

John R. Kilby p. v.

brother John William, of the whole blood, being
sister & brother by said Wiley Watkins, their father
and same mother now dead, the first wife of the
said Wiley Watkins dead; & two brothers of the
half blood by said Mary Jane Watkins, the
second wife of said Wiley Watkins, dec'd, to wit:
Charles & Wiley C. both Infants - The said
John William also being Infants -

That after the death of said Wiley Watkins,
dec'd. of said Henning Watkins, the said Infant
~~Charles~~^{Wiley} Watkins died, to wit: on the day, of May³
1862, without issue & Intestate, leaving as his heirs as law
to his portion of the land to which he derived title by descent
from his said father, his brother of the whole blood, Charles
Watkins and his brother and sisters of the half blood, to
wit: Winney; Caroline J. Henning; John & William
Watkins - That on the day, of August

1865, the said Charles Watkins, Infant, died Intestate
without issue, being entitled to an interest in said
Real estate ^{derived by descent from his father} which passes to the following parties, to wit:

his brother and sisters of the half blood, Winney;
Caroline J.; John & William Watkins; and that as
to the part which the said Charles died possessed of a,
derived by the death of his brother Wiley, of the whole
blood & his brother Henning of the half blood the following
are his heirs - his mother, Mary Jane Watkins, a
full share & his said brother and sisters of the half
blood, each a half share, to wit: Winney, Caroline J.;

thereon from the 1st day of January 1861 as appears by his Bond filed herewith marked (C). That the said Henning Watkins is also bound to your Complainant Ro. J. Eley for the sum of \$40. with Interest from the 13th day of Sep. 1860 till paid, as will appear by a Bond filed herewith marked (D,).

Your Complainants also say that, there is due to your Complainant Augustus H. Holland by the said Wiley Watkins, the sum of \$27.93 with Interest from the 1st day of January 1858, as appears by his Bond filed herewith marked (E,); and that the said Wiley Watkins is also indebted to your Complainant Ro. A. Pinner the sum of \$45.20 with Interest from the 1st day of January 1859, as will appear by his Bond filed herewith marked (F,).

That these two small amounts were not presented to the administrator of said Wiley Watkins for payment before he had fully administered the estate, in consequence of the confusion of the times, and they now ask that the same may be paid out of the sale, of said Land, before any division of the proceeds take place.

Your Complainants also pray that the several sums as above set forth due by Henning Watkins may be paid out of his share of said Land before any division may take place of his share.

Your Complainants say that the said Henning Watkins died Intestate as above stated, but was never married & had no children and that his heirs at Law are his sisters, Winney & Caroline J. and

the lands of Bery^a. J. Roberts, Jr., Duck
solters; 2^d) the "Charlotte Watkins Land" con-
taining two hundred and fifty acres more or less
and adjoining the lands of Thomas, Marshall
solters. All of which lands your Complain-
ants say should now be divided among the sev-
eral parties entitled thereto, and which they pray
may be done, but that as a division in kind is
altogether impracticable and would not promote the
interests of the parties, they, therefore pray a sale
of the same for that purpose.

That the said Henning Watkins died in
August 1862, Intestate and that Alexander H.
Ashburn duly qualified as his administrator
in the County Court of Isle of Wight County on the 1st.
day of Feby. 1864. a copy of which order of Court
is filed herewith marked (A). That the said
Henning Watkins estate consisted at his death of an
interest in his said father's negroes, which having been
lost by the war, leave his estate insolvent except as to his
interest in the said Land which your Complainants
pray may be applied to pay his debts - That the said
Henning Watkins is indebted to your Complainants
Ashburn & Watkins the sum of \$10.45. with interest
from the 1st day of January 1861 till paid, as appears
by his Bond filed herewith marked (B.) - That the
said Henning Watkins is also indebted to the said
Ashburn & Watkins the sum of \$72, with interest

To the Hon. Richard N. Baker, Judge of the
Circuit Court of Isle of Wight County - in Chancery
sitting - Complaining shew unto the
Court your Complainants Winney Watkins,
Caroline J. Watkins, and Augustus H. Ireland,
Robert J. Eley, Ros. A. Pinner, & Ashtun M. Watkins,

Your Complainants respectfully rep-
resent to the Court and say, That one Wiley Watkins
died in Nansemond County on the day of June
1859, Intestate, leaving as his heirs at Law &
distributors, his widow named Mary Jane Watkins,
and the following children, to wit. Henning; the said
Winney & Caroline J.; and John, William, Charles,
Wiley C. Watkins, the last four Infants.

That the negroes belonging to the said de-
ceased have been lost to the heirs in consequence
of the recent war, and that the chattel estate
has been administered by Meredith H. Watkins,
the administrator of said deceased & nothing
remains in his hands -

That the said Intestate died possessed
of the following real estate, to wit. (1st) The home place,
containing one hundred acres, more or less, on
which there is no dwelling house, the same
having been burnt by the Federal troops in the
late war, and which tract adjoins the lands
of M. H. Watkins, David Roberts, & Thos. Marshall.
(2^d) The "White tract" containing one hundred
and twenty five acres more or less, adjoining

Watkins sal.

W

Watkins sal.

Amount of
Infant Defts:

filed July. subs 1866

The Joint and separate answer of John & William Watkins, Infants, by A. P. Young their guardian ad litem, to a Bill in chancery filed in the Circuit Court of Isle of Wight County by Winney Watkins and others, against Mary J. Watkins sal.

These Respondents, say That so far as they know or believe, the facts set forth in the Complainants' Bill are true, but as they are Infants, and ignorant of their rights in the premises, they submit the same to the Court and pray that no order or decree may be made in the premises inconsistent with their just rights

Signed

A. P. Young guardian
ad litem

Watkins sal.,

W

Watkins sal.,

answer of
A. H. Ashburnaden
of Henning Watkins
etc &c.

Filed Feb. 28. 1866

The answer of Alexander N. Ashburn admr.
of Henning Watkins decd. to a Bill in
Chancery exhibited in the Circuit Court of
Sole of Wight County by Winney Watkins sal.
against Mary Jane Watkins sal.

This Respondent says That it is true he
qualified as the admr. of Henning Watkins decd
as set forth in said Bill - That he recd.
of M. H. Watkins admr. of Wiley Watkins
decd. the sum of \$739.⁸⁹/₁₀₀ in Confederate
money, there being no other estate in
the hands of said M. H. Watkins as
admr. as aforesaid - all of which is
now worthless. That the estate of said
Henning Watkins is entirely insolvent
except the interest he has in the land
of his father, Wiley Watkins decd. as set
forth in the Bill. (And having ans?
all that it is material for him to answer
prays &c.

Signed

A. N. Ashburn

Wimsey Watkinson.

3 Sept.

rs: Jim Eby.

Mary Jane Watkinson.

To Eby. rules 1866.

Car. Est.

Sully pg.

Received Jan. 19. 1866, on A. C. Watkinson.

To A. C. Watkinson



The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight—Greeting:

We command you to summon Mary Jane Watkins,
Alexander N. Ashburn administrator of Henry Watkins
decd., John Watkins and William Watkins, the last two
infants.

to appear on the first Monday in February
next, being Rule day, at the Clerk's office, of the Circuit Court for
the county of Isle of Wight, directed to be holden at the Courthouse thereof,
to answer ~~Winney Watkins, Charles S. Watkins, Augustus~~
~~H. Watkins~~ a Bill in Chancery filed against
them by Winney Watkins, Charles S. Watkins,
Augustus H. Holland, Robert J. Eley, Robert A.
Pinner & Ashburn & Watkins.

and have then there this writ.

Witness Nathaniel P. Young, Clerk of our said Court, this 3^d
day of January 1866, and in the 90th.
year of the Commonwealth.

N. P. Young Clk.

[A copy to be delivered to each defendant.]

Watkins, Jas.

as. { paid.
in chq.

Watkins, Jas.

To July. 1866.

Car. Ct.

Kelby p. q.

copy

Expected January 1871, 1866, & a true copy hereof defined
to Henry Jacob Watkins

Am. Rep. Off. of
Harrisburg Pa.

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight—Greeting:

We command you to summon Mary Jane Watkins
A. W. Ashburn adms. of Henry Watkins decd.
John Watkins and William Watkins, The
(but two in fault)
to appear on the first Monday in February
next, being Rule day, at the Clerk's office, of the Circuit Court for
the county of Isle of Wight, directed to be holden at the Courthouse thereof,
to answer a Bill in chancery filed against them
by Winney Watkins, Caroline Watkins, Augustus
H. Holland, R. J. Ely, R. A. Primer and
Ashburn Watkins.

and have then there this writ.

Witness Nathaniel P. Young, Clerk of our said Court, this 3rd
day of January 1866, and in the 90th
year of the Commonwealth.

N. P. Young

[A copy to be delivered to each defendant.]

A copy.

Watkins

Mr. Zaffar.

Watkins &

Commissioner's Office

Isle of Wight Co. Sept. 6. 1866.

This day A. N. Ashburn and M. H. Watkins appeared before me and made oath that in their opinion, it will be advantageous to the ~~land~~ interests of the heirs of Wiley Watkins decd. to sell the land of which he died seized & possessed, and that they are induced to this opinion from the fact that the houses that were on the said land are nearly all destroyed & its annual value thereby rendered of but little worth.

The annual value of said land being, in their estimation, not more than \$50. 00 and to divide it in kind between the heirs would render the share of each almost worthless.

A. N. Ashburn

M. H. Watkins

Sworn to & subscribed before me the day & year aforesaid.

N. P. Grayson

Walking H.

v

Walking H.

1866

May Count Deeren

To be entered

R. H. B.

Field.

pastured by himself or that any of the parties
may require to be so stated.

Watkins & al.

n

Watkins, &c.

This cause, came on this ^{day} to be heard on the Bill, taken for confessed as to the adult defendant Mary Jane Watkins, on whom process had been duly served & she still failing to appear and answer: and on the answer of A. H. Ashburn as admt. of Henning Watkins dec'd & on the answer of the Infant defendants, with replications thereto, & on exhibits filed with said Bill, and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that a commit of this Court, take the following accounts

- 1st an account of the transactions of A. H. Ashburn as admt. of Henning Watkins dec'd,
- 2^d. an account of all debts due by said Henning Watkins dec'd & his Estate and then & there duly.
- 3^d. an account of any outstanding debts due by Wiley Watkins dec'd.
- 4th. an account of the real estate of which said Wiley Watkins dec'd. did possess & if for simple and annual value thereof.
5. That he ascertain & report whether the said Mary Jane Watkins, widow of Wiley Watkins dec'd. is willing that her dower in said Land should be sold or not —
- 6th. Whether the interests of the Infant parties will be promoted by a sale of the real estate aforesaid, and make report to Court with any matter, specially stated deemed.

the infants parties will be promoted by a sale of the
real estate aforesaid and make report to Court
with any matters specially stated deemed pertinent
by himself or that any of the parties may require
to be so stated,

A copy. Test. H. P. Young Clerk

Waltham

Ex. d.

4th

3rd Co. A. S.

Waltham Mass.

207 1/2 W. 10th St.

Notion for act. of ch. 18
7. Aug. 1866

Notice of J. B. S. July 1866

At a Circuit Court held for the County of Isle of Wight on
the 17th day of May 1866.

Winnay Watkins and Others

Benefit.

against

3^d In Chy.

Mary Jane Watkins

Defts.

This Cause, came on this day to be heard on the Bill, taken
for Confessed as to the Adult Defendant Mary Jane Watkins,
on whom process ~~as to the Adult~~ has been duly served, &
she still failing to appear and answer, and on the answer
of A. H. Ashburn as Administrator of Hining Watkins dec'd,
and on the answer of the infant defendants, with replication
thereto, and on the exhibits filed with said Bill, and was ar-
gued by Council, On Consideration whereof the Court doth
adjudge, Order and decree that a Commissioner of this
Court take the following accounts, 1st. An account of
the transactions of A. H. Ashburn as administrator of
Hining Watkins dec'd? 2^d. an account of all debts due
by Hining Watkins dec'd? or his estate & their degnatey. (3^d?)
An account of any out standing debts due by Wiley Wat-
kins dec'd? 4th. An account of the real estate of which
said Wiley Watkins dec'd? died seized & possessed & its
gross simple and ^(annual) value thereof. 5th. that he ascertain
and Report whether the said Mary Jane Watkins widow
of Wiley Watkins dec'd? is willing that her dower in said
land should be sold or not, 6th. whether the interests of

Executed by delivering a true copy of the within to
Alexander H. Ashburn on the 26th day of June 1866 after having explained the
same to her said Ashburn not being at home. In
witness, whereof
E. S. Gray

Witness to

at } Cor. H. Ashburn

Witness to

do 30 July 1866.

Commissioner's Office, Isle of Wright Court House
June 7th 1866

To Winney Watkins, Caroline Watkins, Augustus W.
Holland, R. J. Eley, R. A. Rimmer & Ashburn & Watkins.
Plaintiffs.

and to Mary Jane Watkins & Alexander M.
Ashburn admors. of Winney Watkins

Defts.

You are hereby notified, that I have fixed upon the 3^d day
of July, 1866, to take and settle at my office aforesaid the
following accounts, to wit: First - An account of the trans-
actions of A. M. Ashburn as admors. of Winney Watkins.
Second - An account of all the debts due by Winney
Watkins decd. as his estate & their dignity. Third - An
account of any outstanding debts due by Wiley Watkins decd.
Fourth - An account of the real estate of which Wiley Watkins

decd. seized & disposed of its fee simple & several volens - ^{5th} That
he ascertain and report whether the said Mary Jane Watkins widow of Wiley
Watkins decd. is willing that her dower in said land should be sold or not,
^{6th} whether the interests of the infants parties will be promoted by a sale of the said ^{of said} land
required to be taken by decree of the Circuit Court of Isle of Wright
county, rendered on the 17. day of May 1866 in a suit
depending in the said court, in which you are parties, Plaintiffs
& defendants. At which time and place you are required to attend.
Given under my hand as commissioner in chancery of said court
the day and year aforesaid.

A. J. Young Comr.