

1875-013 Chancery Causes: Nancy R. Boykin's admr vs Nancy Crumpler's admr & d
Isle of Wight County

Other SURNAMES: Thomas,
Hayden, Edwards, Griffin,
Adams, Horn, Cofer, Niblett,
Herring, Horne, Barrett,
Smith, Niblett

Nancy W. Boykin adms.

v. $\frac{3}{2}$ Ord. paid.

Nancy Connelley adms. deb.

March 4th 1844.

Filed.

Commissioners Office Smithfield

September 30 1874

In the Circuit Court of the County of Hight County October 9th 1874
R. Thomas admr of Nancy R Boykin Plaintiff

against J. M. Chaney

C. B. Hayden admr and the will annexed of Nancy Crumpler decd.
M. Boykin and others Defendants

It was adjudged ordered and decreed by the Court that a commission of the Court take the following accounts,

- 1st An account of the transactions of Plaintiff as admr of Nancy R Boykin.
- 2nd That said Commissioners ascertain and report to Court whether at the time of her death the said Nancy R Boykin was domiciled in the State of North Carolina or Virginia and
- 3rd Ascertain and report to Court the subdivisions of the said Nancy R Boykin and their respective interests in her estate.

The parties interested are hereby notified that I have fixed upon the 30th day of December next at any of the aforesaid ~~for taking~~ settling and reporting the foregoing accounts, at which time and place they are required to attend.

Given under my hand as a Commissioner in chancery of the said Court the day and year first aforesaid
Chas R. Thomas

To acknowledge service of the above notice,

C. B. Hayden Admr Nancy Crumpler

Atty for S. G. Boykin. Lemmon Ham

L. M. F. Smith & L. B. Edwards

Admr Wm W Boykin -

R. S. Thomas, atty for admr

Prunus adnata

184

Prunus adnata Fals

Executed by delivering
to the within named
J E Adams & D
Caser & Aug A. Cofer
& Geo Adams a true
Copy of the within
Notice Dec. 9th
1874

J W Edwards, Shff.

Given R. T. Dells to Geo. Cofer
for R. W. Gobbly

I, Nancy Crumpler of the County of Isle
of Wight & State of Virginia being of sound mind
& memory do make and ordain this my
last will & Testament. (Revoking all others)
in manner & form following, to wit:
It is my will & desire that my interest
in my son's Estate, Lloyd M. Boykin,
(who died in North Carolina in 1860, and for
which judgment has been obtained in my
favor) be equally divided between my two
Children Samuel G. Boykin & Fannie M.
Horn, after paying all my just debts,
to them & their heirs forever,
I appoint my son Samuel G. Boykin
Executor to this my last will & Testament,
In witness whereof I hereunto affix my
hand & Seal, this 4th day of June Eigh-
teen Hundred and Seventy two,
Signed in pres- Nancy ^{then} Crumpler (Seal)
-ence of ^{mark}
Alfred H. Bell
James B. Matthews
Jas. P. Jordan

Virginia. In the County Court of Isle of Wight
County, February the 3rd 1873,

The last will and Testament of Nancy
Crumpler dec'd. was proved by the

oath of James S. Jordan, James C. Matthews
& Alfred H. Bell the witnesses thereto, and
ordered to be recorded, And it appearing
from evidence before the Court, that S. G.
Boykin Executor therein named refuses
to qualify as such, On the motion of
C. B. Hayden (with consent of parties)
who made oath & together with Herman
Horn his security, who justified, entered
into & acknowledged a bond in the penalty
of \$800,00 with condition according to
law, Certificate of administration
with the will annexed is granted him
on the Estate of said Nancy Crumpler
dec'd.

Attest, Teste, C. H. Hart, D. C.

Nancy Crumpler's

Will

Attest

Know all men by these presents, That we John E. Adams and James Thomas are held and firmly bound unto the Commonwealth of Virginia in the sum of Five Thousand Dollars, for the payment thereof well and truly to be made to the said Commonwealth; we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally firmly by these presents, Sealed with our seals, and dated this 7th day of January 1861, in the 85th year of the Commonwealth;

The Condition of the above obligation is, that if the said John E. Adams who has this day qualified in the County Court of Isle of Wight County as the Guardian of Nancy L. Boykin, orphan of Bloyd M. Boykin decd. shall faithfully discharge the duties of his office of guardian aforesaid, then this obligation to be void, else to remain in full force.

John E. Adams *Seal*
James Thomas *Seal*

In the County Court of Isle of Wight County
January 7th 1861, This bond was executed and admitted to record,

Teste. W. P. Young Clerk
Attest
Teste, C. St. Hart, D. C.

John E. Adams
Gdn of Nancy S. Boykin
Bond,

Attest

1871

Dec. 25th

Virginia In Isle of Wight County Court
January the 7th 1861,

On the motion of John E. Adams
he is appointed guardian of Nancy
L. Boykin orphan of Sloyd M.
Boykin dec'd. Thereupon together
with James Thomas his security
who justified - entered into and
acknowledged a bond in the penalty
of five Thousand Dollars, condi-
-tioned as the law directs, ordered
that said bond be recorded,
a Copy, Teste,
L. H. Hart, J. C.

John E. Adams Esq
of Nancy L. Boykin
Certificate of Qualification

Copy

"C"

Dec. 30th 18

Clerk's Office,

Isle of Wight Co. N. Va. Mar: 30th 1874.

I, C. H. Hart, Deputy for N. P. Young Clerk of the County Court of the County of Isle of Wight do hereby certify that there is a balance of \$616.08 due the Estate of Nancy R. Boykin decd: by R. S. Thomas her administrator and shown by the Report of N. P. Young Commissioner of accounts of said Court, which Report was duly confirmed by the Court at January term 1874, and committed to record, Given under my hand the day & year above written,

C. H. Hart, Deputy for
N. P. Young, Clerk.

Thomas Adams

v

Hayden et al

Exhibit

"B"

Virginia.

In the County Court of Isle of Wright
County, the 5th day of February, 1866,

On the motion of Richard S. Thomas
who made oath, and with Julius
O. Thomas his security, who testi-
fied, entered into and acknowledged
a bond in the penalty of Three
Thousands Dollars, Conditioned
according to law, Certificate
of administration is granted
him on the Estate of Nancy R.
Bozkin decd. Child of George M.
Bozkin decd. of M. C. ordered
that said bond be recorded.

Clerk, Teste,

Wm. H. Hart, Clerk for
U. P. Young, clk.
C. H. 15

Thomas adell

v.

Hayden et al

Exhibit-

Exhibit

Nancy R. Byrnes admin

Nancy Crumpler, admin & others

This cause came on this day to be again heard on the papers for merely read and on the report of R. S. Thomas, made under a decretal order rendered herein on the February Term 1875 of this Court to which no exceptions are filed and was argued by counsel: On consideration whereof the Court confirming the said report doth adjudge order and decree that this cause in which it appears that nothing further remains to be done be removed from the docket.

N. R. Brykings adm
v

Nancy Sampson,
adm

Ralph Dean

October Term 1875

W. L. Leland

Geo. B. L. S.

Final

Entered 28

Nancy R^d Brykins adm^r
Nancy Crumpler's adm^r

This cause this day came on to be again heard on the papers formerly read and on the report of Commissioner J R^d Atkinson under the decree herein of Oct^r Term '87 & was argued by counsel; on consideration whereof the Court confirming said report to which no exceptions were filed doth adjudge order & decree that the Plaintiff R^d S Thomas out of the sum of \$616.08 with interest shown by the report aforesaid of Commissioner Atkinson to be in his hands as Administrator of Nancy R^d Brykins pay the costs of this said inclusive of an attorney's fee of \$25.00 each to R^d S Thomas & L B Hayden for their services in this said & the balance thereof pay to L B Hayden as adm^r of Nancy Crumpler deceased, taking his receipt & ~~therefor~~ & returning the same with his report to Court of his proceedings under this decree.

Nancy R. Boykin's admr

to

Nancy Crumpler's admr

Bought decrees
July Term 1896.

To be entered

Geo R. Blom

(over) (7)

In Alcox Wright Circuit Court, October 9th 1874,

O. S. Thomas Admr of Nancy R. Boykin Plff:
Against } In Chy:

C. B. Hayden Admr, with the will annexed
of Nancy Cummpler decd: S. G. Boykin, L. B.
Edwards admr, of W^m W. Boykin and John C. Griff-
fin Admr, of Julia A. Griffin formerly Adams,
Herman Horn & M. F. his wife formerly Cumm-
pler, John E. Adams, George Adams, James
Adams, A. D. Cofer & Lucy his wife formerly
Adams, James Henning & Mary his wife formerly
Adams, L. G. & B. F. Miblett, which latter two are
infants under the age of twenty one years. Defts.

This cause in which on motion of the
plaintiff, N. P. Goring is appointed guardian
ad litem to the infant defendants S. G. Miblett
& B. F. Miblett. And on the motion of said guardian
ad litem, leave is given him to file his answer,
which is accordingly done, And in which the Bill
is taken for confessed as to the defendants C. B.
Hayden Admr, with the will annexed of Nancy
Cummpler decd: S. G. Boykin, L. B. Edwards
admrs of W^m W. Boykin John C. Griffin Admr,
of Julia A. Griffin, Herman Horn M. F.
his wife, John E. Adams, George Adams, A. D.
Cofer and Lucy his wife, on whom process
has been duly served they still failing to
appear, plead, answer or demur, and as to

the absent defendants James Adams and James
Hening & Mary his wife as to whom the plain-
tiffs have proceeded in the mode prescribed
by law against absent defendants, Came
on this day to be heard on said bill the answer
of the infant defendants S. G. Miblett and B. F.
Miblett by N. P. Young their guardian ad litem,
and Exhibits filed, And was argued by Coun-
sel: On consideration whereof the Court
doth adjudge order & decree that a Comr. of
this Court take the following accounts,

1st

2nd

3rd

An account of the transactions of the
plaintiff as admr. of Nancy R. Boykin,
That said Comr. ascertain and report to
Court whether at the time of her death the said
Nancy R. Boykin was domiciled in the State
of North Carolina or Virginia,
Ascertain and report to Court the dis-
tributees of the said Nancy R. Boykin
and their respective interests in her estate,
Which Accounts he shall take settle
and report to Court with any matters
Specially stated deemed pertinent by
himself, or required by the parties to
be so stated, On the motion of the
defendants C. B. Hayden admr.
with the will annexed of Nancy
Compler decd. S. G. Boykin

Herman Horn & M. J. his wife and
L. B. Edwards adm^rs of W. W. Roykin
leave is given them to file their an-
swers in this Cause within 60 days,

A copy,

Teste,

W. H. Hart, D. C.,
for N. P. Young, Clerk.

Nancy R. Boykin's adm^r

vs. } copy done

Nancy Lenniple's adm^r
dual

Octo. Cir. Ct. 1874—

For Court in Chy.

Boyd's claim

vs

Crumblers claim & cts

On motion of the
Hffs. P. Young
appointed guardian
ad litem to the infant
defendants S. G. Tibbitt
& B. G. Tibbitt & on the motion
of said guardian ad litem
leave is given him to file here
an answer & cross-examination
& demand which

This cause in which the
Bill is taken for confessed as to the defend-
ants to B. Hayden claim with the will
annexed of Nancy Crumblers decd. of B. Boyd
vs W. W. Boyd and J. C. Griffin & cts
& B. Hayden claim of Julia Griffin, Herman
Heorne & M. G. his wife, John Adams, George
Adams, James Adams & M. G. & Lucy his
wife, the whom process has been duly served
they still failing to appear plead answer or
demand & as to the absent defendants James
Adams & James Keirring & Mary his wife also
upon the Plaintiffs have proceeded in the mode
prescribed by law against absent defendants,
came on this day to the Court, on said bill
the answer of B. Hayden as answer of W. W.
Boyd & of the infant defendants S. G.
Tibbitt & B. G. Tibbitt vs A. P. Young their
guardian ad litem & exhibits filed on as
argued by counsel, on consideration whereof
the Court doth adjudge order & decree that the
Clerk of this Court take the following as
1st An account of the transactions of the Plaintiffs
as claim of Nancy B. Boyd.
2nd That said Court ascertain report to Court
whether at the time of her death the said
Nancy B. Boyd was administered in the state

of North Carolina or in Virginia
3^d Ascertain & report to court the distribution
of the said Agency & Borpin & their respective
interests in her estate, which also she shall
take settle & report to court, with any
matters specially stated & deemed pertinent
by himself or required by the Court to
be so stated.

on motion of the defendants let B Maynard
appear with the will approved of Henry
Krumpholt deceased. J. C. Bingham, Treasurer.
Notice that 4th of B. Edwards address of Wm. W. Boylston
to give their answers in this cause within
10 days

1222

2

people's summer

Rough Riders

Oct 26 1874

Ch. de. und. 22

Dec. 13th 1890.

Encl. 1

(25)

The Estate of Nancy R Boykin

1871

In account with R Thomas her administrator

Feb

7

Spaid furs in administration in S. of Wight

4 52

Spaid expenses to John Porter Esq. M. B. in cleanup of the estate

11 7 25

Spaid furs in administration in S. Carolina

5 00

Apr 1872

Spaid Dr Porter Medical bill

1 5 89

May 1873

6

Interest on \$76.79 from 7th May 1872 to present at 6% per ann

31 85

Spaid Clerk's fees

58

Commission on \$885.58 at 7 1/2%

65 41

This sum paid to my agent Clerk for this day

4 00

Feb

1

By this sum collected under writ in North Carolina

815 58

Feb

1

To Balance due the Estate per entry

616 08

815 58

815 58

By Balance due the Estate per Debit

616 08

Commissioner Official Court

January 22nd 1875

To the Circuit Court of S. of Wight County

Comes to notice of the said court

Rendered on the 9th day of October 1874 in a suit in equity depending therein between R Thomas administrator of the Estate of Nancy R Boykin and himself and R Thomas administrator of the Estate of Nancy R Boykin and R Thomas and others defendants. The undersigned a commissioner in charging of the said court is where as referred heretofore by said decree 1st An account of the transactions of the said R Thomas as administrator of the Estate of Nancy R Boykin 2nd That said commission was returned and is now to be returned at the time of her death the said Nancy R Boykin was deceased in the State of North Carolina or Virginia and 3rd To ascertain and report to court the distribution of the said Nancy R Boykin and their respective shares in her estate, reports to court that on the 30th day of November 1874 he issued notices against the said parties requiring them to attend the sitting of the said accounts at his office aforesaid on the 30th day of November. Thereafter which notices were returned duly executed or acknowledged by the parties or their attorneys, and on the basis of this report he completed the foregoing ac-

count of the transactions of the said R. S. Thomas as administrator of Nancy R. Brykine
 and finds a balance of \$616⁰⁸ due by the said administrator to the said estate
 on the 11th day of February 1873. Upon some former further reports that at
 the time of her death the said Nancy R. Brykine was domiciled in the State
 of North Carolina and that under the law of that State her grandmother
 Nancy Crumpler was her sole distributee.
 Given under my hand as a Commissioner in chancery of the said court the day
 and year first above said

Wm. L. Thomas, Clerk

Time employed to hear & do

Nancy R. Brykine adms.

41

Nancy Crumpler adms.

Crumpler's Report

Acc. recd.

Feb. 3. 1875 - filed

In Select High Sheriff's Court, February 9th 1875,

R. S. Thomas admr. of Nancy L. Boykin decd: *Plff.*

Against } In Chancery
L. B. Hayden admr. with the will annexed of Nancy Sumpter
decd: S. L. Boykin, et als, *Defds.*

This cause this day came on to be again heard on the papers
formerly read, and on the Report of Commissioner S. R.
Atkinson under the decree herein of October term 1874.
And was argued by counsel: On consideration whereof the
Court confirming said report to which no exceptions were
filed, doth adjudge, order & decree that the plaintiff R. S. Thomas
out of the sum of \$616.08 with interest thereon from the 6th day
of February 1873, shown by the report aforesaid of Commissioner
Atkinson to be in his hands as admr. of Nancy L. Boykin
pay the unpaid costs of this suit, inclusive of an attorney's
fee of \$25.00 each, to R. S. Thomas & L. B. Hayden for
their services in this suit. And the balance thereof pay
to L. B. Hayden as Admr. of Nancy Sumpter decd:
taking his receipt therefor, and return the same
with his report to Court of his proceedings under
this decree.

Alcey - Steele,

atts. for plff. for Tax \$26.00

atts. for Def. for 25.00

clks. for 11.34

Ans. in chq. (Att.) 6.00

shff. for 6.50

ord. publ. 9.00
costs \$83.84

L. B. Hart, Deputy for
N. P. Young, Clk.

Received Feb 26th 1875 of R. S. Thomas admn
of M. R. Boykin the sum loaned to us respec
tively in this sum

13, Hayden St. for 1875

A. B. Edwards

R. S. Thomas

Wm. R. Boykin's admn.

W. R. Boykin's copy of decree

Wm. R. Boykin's admn. 1875

Wm. R. Boykin's admn. 1875

Exhibit '9'

Wm. R. Boykin's admn.

Wm. R. Boykin's admn.

Boys' adm

v

Example's adm v al

The undersigned has had to report that he
has out of the sum of \$694.15 ac-
crued to be in his hands by the re-
port of Com missioner Atkinson
to the February Term 1875 of this Court
paid the cost of this suit amounting
to \$83.84 according to the statement
of the clerk of this Court appended ^{in copy} to the
decree of this Court rendered at its
February Term 1875 returned herewith
as exhibit "A" and the balance of
the said fund to-wit \$610.31 he
paid over to C. B. Hayden administra-
tor of Nancy Example as well appear-
ing by the receipts in the copy of the afore-
said decree returned herewith and
the other receipts accompanying
and affixed to this report

R. J. Thomas
for Com

Nancy R. Bozkins ad

R

Nancy Coompland ad

Report of Pay-
ments

R. S. THOMAS,
ATTORNEY AT LAW,
SMITHFIELD, VA.



No. **115**

SMITHFIELD, VA.,

March 25th 1875

THE MARINE BANK

OF NORFOLK, VA.

PAY TO THE ORDER OF *A. P. Young*

Five 59/100

balance of clerks fees in Boykin's adm'n v. Essumpter's adm'n

DOLLARS.

\$5.59/100

R. S. Thomas

J. C. Deming. Printer, Bookseller, and Stationer.

R. S. THOMAS,
ATTORNEY AT LAW,
SMITHFIELD, VA.



No. 377

SMITHFIELD, VA.,

July 26th

1875

THE MARINE BANK

OF NORFOLK, VA.

PAY TO THE ORDER OF C. B. Hayden

Twenty Five
for fee, taxes in suit of R. S. Thomas admr of R. R. Baykin S. C. B. & Co
admr & to exemplar
\$25.00

R. S. Thomas

J. C. Deming. Printer, Bookseller, and Stationer.

C. B. Hayden

John B. English Cashier
of
the Farmers & Merchants Savings Bank
of Smithfield, Va.

Wm. R. Thomas Cashier

R. S. THOMAS,
ATTORNEY AT LAW,
SMITHFIELD, VA.



No. 379

SMITHFIELD, VA.,

Feb 26th

1875

THE MARINE BANK

OF NORFOLK, VA.

PAY TO THE ORDER OF *G. R. Atkinson*

Six
and no/100ths for in the U. R. Bank
\$6.00

DOLLARS.

R. S. Thomas

J. C. Deming, Printer, Bookseller, and Stationer.

R. S. THOMAS,
ATTORNEY AT LAW,
SMITHFIELD, VA.



No. 380

SMITHFIELD, VA.,

July 26th

1875-

THE MARINE BANK

OF NORFOLK, VA.

PAY TO THE ORDER OF L. B. Edwards

Six 50/100

for sheriff's fees in the M. R. Boykin case

\$6.50/100

DOLLARS.

R. S. Thomas



J. C. Deming, Printer, Bookseller, and Stationer.



Pay to the order of

H. G. Thomas

A. B. Edwards

H. G. Thomas.

IN VACATION.—IN THE CLERK'S
office of the Circuit Court of Isle of Wight
county, the 24th day of March, 1874—
R. F. Thomas, administrator of Nancy R. Boy-
kin,
against

C. B. Hayden, administrator with the will an-
nexed of Nancy Crumpler, deceased; S. G.
Boykin, L. B. Edwards as administrator of
Wm. W. Boykin, and as administrator of Julia
Griffin, formerly Adams; Herman Horn and
M. F., his wife, formerly Crumpler; John E.
Adams, George Adams, James Adams, J. D.
Cofer and Lucy his wife; James Herring and
Mary his wife, formerly Adams; S. G. Niblett
and B. F. Niblett, the last two infants,
Defendants.

IN CHANCERY.

The object of this suit is to effect a settlement
and proper partition and distribution of the
estate of Nancy R. Boykin, deceased; and affi-
davit having been made and filed that the defend-
ants, James Herring and Mary his wife, and
James Adams, are non-residents of the State of
Virginia, it is ordered that they do appear here
within one month after due publication of this
order and do what may be necessary to protect
their interests.

A copy—Teste.

R. S. THOMAS, p. q.

N. P. YOUNG, Clerk.
mb 3-1aw4w

I, *James Barron Hope* Editor of the
NORFOLK LANDMARK, a newspaper published in the City
of Norfolk, in the State of Virginia, do certify that the order of
publication, a copy of which is hereto annexed, has been pub-
lished once a week for four successive weeks, in said newspaper,
commencing on the *26th* day of *March* 187*4*,
and ending on the *16th* day of *April* 187*4*,
at LANDMARK'S fixed rates of advertising, viz: One square of
10 lines or less, 75 cents for first insertion, and 50 cents for each
subsequent insertion, on alternate days or once or twice a week.

Given under my hand this *18* day of *April* 187*4*

James Barron Hope

EDITOR.

R. S. THOMAS,
ATTORNEY AT LAW,
SMITHFIELD, VA.



No. 381

SMITHFIELD, VA.,

July 26th

1875

THE MARINE BANK

OF NORFOLK, VA.

PAY TO THE ORDER OF *C. B. Hayden, admr of N. R. Crumpler*

Four Hundred and Ninety Six 77/100

balance due him as admr of N. R. Crumpler under a can of Circuit Court - J. L. of N. 4th 9th 1875 in Suit of R. S. Thomas admr of N. R. B. Crumpler vs. N. R. Crumpler

\$496.77

DOLLARS,

R. S. Thomas

J. C. Deming, Printer, Bookseller and Stationer.

Pay Cashier Farmer,
Merchants Savings
Bank Smithfield
for collection
C B Hayden
Adm'r R R Campbell

Pay to Paul Taylor Cashier
of the Farmers & Merchants Savings Bank
the sum of \$100.00
Wm. L. Johnson Cashier

July 26th 1875. Received of T S Thomas a sum
of Nancy R Baykin One Hundred & Thirteen
Dollars & Fifty Four Cents in account of sum
due me from said Nancy R Baykin Estate

C B Hadden

Attorney of Nancy Baykin Estate

H. B. Hayden

All bills for Advertising are due after the first Insertion. Job Printing cash on Delivery.

Norfolk, Va., Sept 2nd 1874

R D Thomas Admn of N R Bykerk

To THE NORFOLK LANDMARK, Dr.

DAILY LANDMARK, . . . 5.00 per annum.
TRI-WEEKLY, . . . 3.00 " "
WEEKLY, . . . 1.50 " "

Main Street, next door East of the Postoffice.

1874
Maud 26th To Adm Dr of R D Thomas N^o

L B Hayden & others 4 sps / a w. 4 w.

Price Gas Barren Hope old
W F Barren

g w

R. S. Thomas
Smithfield Va

Dr. The Estate of Mary R. Gaykin dec'd
In account with R. S. Thomas Administrator

1866	May 1	Expenses on account in Sale of Brighton Va	4 52
		" Expenses to & from Bertie Va W.C.O. business of the Estate	67 28
1872		" Horse on account in W.C.	5 00
1873		" Dr. Purdie Muel. bill	15 80
1873	June 10	" Entered on \$46.44 from the 7th Regt, 1866, being documents at that time	31 85
		" paid Clerk's fees	58
		" Commissions on \$505.58 @ 1 1/2 %	60 41
July	5	" Retained to pay Lewis Kelly, for this a/c.	4 00
	"	" Balance per Contra	616 08
1874			
July	6	By this sum Collected & received sent in W.C.O. bill	805 58
		" 805.58 "	805.58

Commissioner's Office, Shropshire County
June 1874

To the County Court of said County,
Your Commissioner reports to the Court, that on the 5th
day of May 1874, Richard S. Thomas Administrator of
the Estate of Mary R. Gaykin dec'd, exhibited before him a state-
ment of all the sums as he had received become
chargeable with, or had disbursed during the period
mentioned in the foregoing account, together
with the vouchers for the disbursements, that your Com-
missioner includes the said items in the list of
fiduciaries whose accounts were before him for

Settlement which was posted at the Courthouse door on
the first day of May term last, And at the request of the
Court, kept the account continued until the date
of this report, on which day he made up and
completed the same. And on the 6th day of January
1873, gave a balance of \$16,08 due from the
Administrator to the Estate. In making the said
account, your Commissioner has allowed the
Adminr, a Commission of 7 1/2 per cent on the receipts,
it appearing that he was at considerable trouble
and loss of time in collecting the amount in the
State of North Carolina, the Administrator has given
the proper bond with sufficient security.

Given under my hand as Commissioner of
accounts of said Court, the day and year first
aforesaid,
N. P. Young, Clerk

Virginia. At a County Court for the County of Lee of
Wright, held at the Courthouse thereof, on the 5th day of January
1874, the foregoing account and report having been
filed in the Clerk's office of said Court for ten days
and no exceptions being filed thereto, was confirmed
by the Court, and ordered to be recorded,

Teste, L. H. Hart, Deputy.

(N. P. Young, Clerk.)

Attest,

Teste, L. H. Hart, Deputy.

for N. P. Young, Clerk.

The Estate of Mary B. Boykin

dece. the account with

N. P. Young as Adminr.

(Copy)

Pham Sam

R. S. Thomas, administrator of Nancy R.

By Kin

Plaintiff

against. In Chancery

C. B. Hayden, administrator of the will an-
nected of Nancy Crumpler, Decd. S. G.

By Kin. L. B. Edwards, administrator of Wm. W.

By Kin and as administrator of Julia Griffin

formerly Adams, Herman Horn and

M. J. his wife formerly Crumpler

John E. Adams, George Adams

James Adams. J. A. Coffey and his

his wife James Henry and Mary

his wife, formerly Adams. S. G. Hib-

bert and B. F. Hibbert, the last two

are infants. Defendants-

James Henry and Mary his
wife and James Adams are non-
residents

State of North Carolina

Personally appeared before me R. S. Thomas who made oath
that James Henry and Mary his wife, and James Adams are
non residents of this commonwealth, to-wit: on the

23rd day of March 1874.

Geo. L. Linn on Court in
Chancery of the Court of S. G.

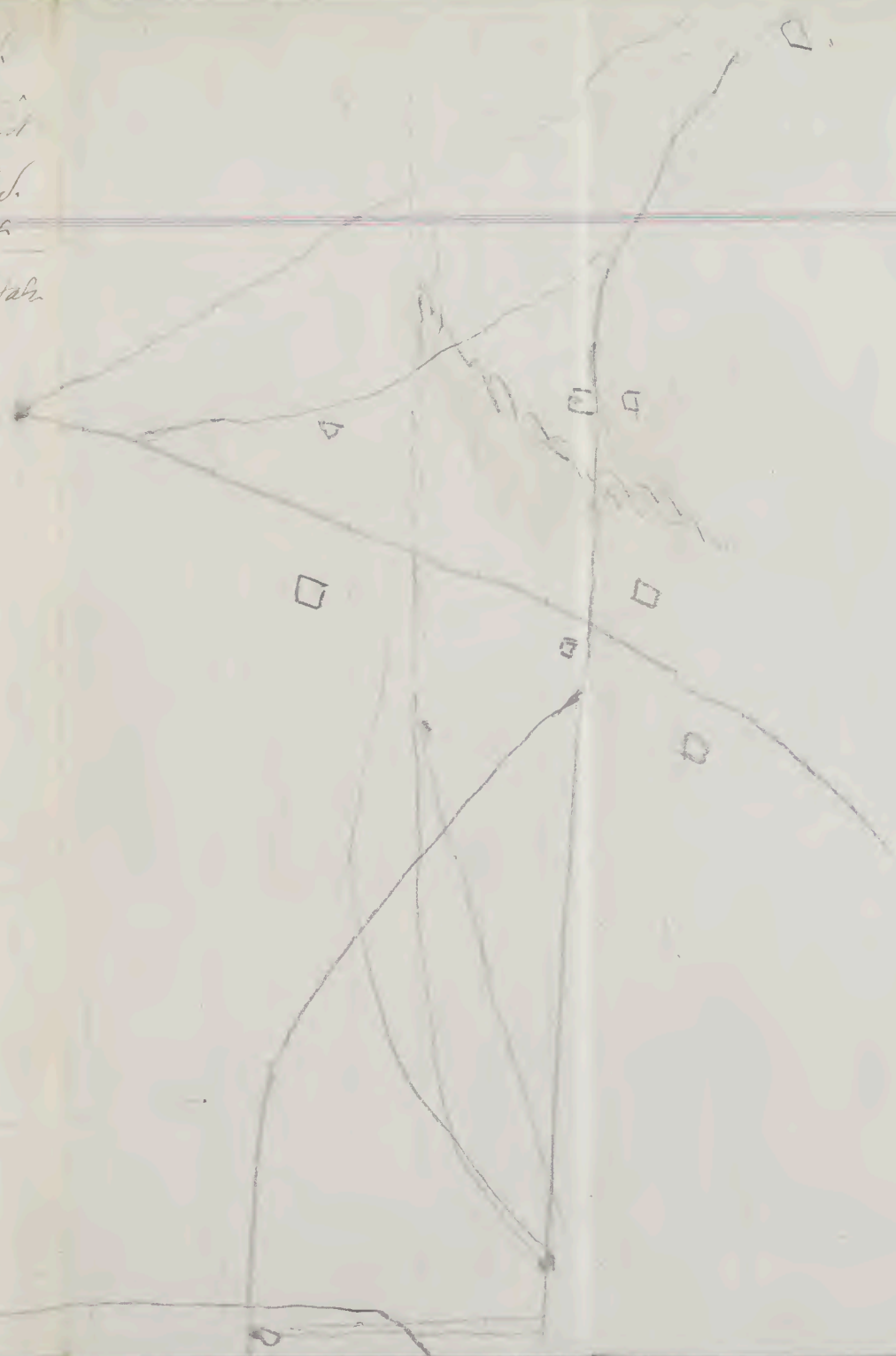
Nancy P. 1 Dykman 2000

no. 1 Hume. 5000
2 off det. 1000
3 of 1000

Nancy Crumpler 2000

March 24th 1844

fid



Re. S. Thomas Esq
Smithfield

Thallich Sept 18 1872

Dear Sir

Your two letters of the 11th and 16th of this month are before me, the latter acknowledging the receipt of the remittance made you. I very cheerfully comply with your request for my opinion as to the proper mode of distribution of the funds in your hands.

Loyd M. Boykin left three distributives, his wife a daughter and an unborn babe, each of whom under the laws of this State took a third part of the intestates' estate. Mrs Boykin seems to have settled for her share of her husband's estate with Barrett his adm^r. The unborn child died after the death of its mother and the whole of that share consequently belonged to its surviving and only sister. There was any administration on this child's estate, you having administered only on Harries estate. Still as adm^r on this child's estate would as soon as to collect its share, as it had no debts to pay, ~~it~~ had to pay to the adm^r of Harries. The point was not made and you received two thirds of the intestates estate. Keep

the share of each child - and hold the whole seem as the property of the intestate Harriette. The only question in the case is who are the next of kin entitled to her estate. The distribution is entirely of personal estate - there having been no lands nor money arising from such sale - and the law of domicile determines who are entitled - that is the law of domicile of Harriette. She was domiciled in this State and conveyed by friends to Virginia after the death of both parents. The law of domicile of birth remains till changed in some legal way. An infant cannot change her domicile by any act done during minority as she can do no other valid and binding act. But an infant's domicile may be changed by the act of her guardians or other legal custodian in actually removing her from one to another State. The domicile is not changed by her removal by friends merely to take care of her. Now it may be that the laws of Virginia and of N. Carolina are the same in their operation upon the State of facts of our case and if so, the learning about domicile is wholly out of place. But if not, I think, the laws of N. Carolina point out to whom distribution is to be made and they are the next of kin of Harriette and the representatives of any such deceased next of kin. Our Statute until 1862 allowed no representation beyond brothers & sisters children.

But the restriction in the statute was repealed in
Feb'y 1862 and now representation is indefinite. You will
find in Williams on Executors the English statute of
distributions and ours is almost a verbatim copy of it.
To apply all this to the inquiry as to who are the next
of kin of your intestate and entitled to distribution
of the assets in your hands my opinion is:

- I Mrs Crumpler is but two degrees removed from the
intestate, being her grandmother.
- II The Nephews and Nieces could by representation be
put in the same degree as the intestate under and
assets
- III The Uncles and Aunts are three degrees removed from
the intestate

IV. The whole estate therefore belongs to Mrs Crumpler
See Mrs Exrs Original paging 1080 Vol 2.

I cherish a kind memory of my personal and professional
associations with yourself and other members of the Norfolk bar
whose conduct has always been courteous and upright. You
carry with you my best wishes for your success. The practice
of our firm is quite large and recent changes render our
future more promising - I shall be glad to meet you here

Yours truly

W. N. H. Smith

W. M. H. Smith

To 3 - Sister

R. I. Whittier

Relative to the dis-
tribution of the Bygones
money according to
N. C. Law.

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—GREETING:

We command you to summon

John W. Griffin

to appear at the Clerk's Office of the *Circuit* Court of Isle of Wight County, at Rules to be holden

for the said Court, on the first Monday in *May* next to answer *the Bill*

in case copy filed against him & others &c. R. S. Thomas adm. of Nancy R. Boykin decd.

And have then and there this writ.

Witness, NATHANIEL P. YOUNG, Clerk of our said *Circuit* Court, at the Courthouse,

the *8th* day of *April* 18*97*, in the *78th* year of the Commonwealth.

N. P. Young

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—GREETING:

We command you to summon *C. B. Hayden* admr. with the will annexed of *Nancy Grimes* decd., *S. G. Boykin*, *L. W. Edwards* as admr. of *Wm. W. Boykin* & as a dnt. of *Julia Griffin*, formerly *Adams*; *Norman Horn* & *M. E.* his wife, formerly *Grimes*; *John E. Adams*, *George Adams*, *James Adams*; *J. D. Cifer* & *Suey* his wife; *James Manning* & *Mary* his wife, formerly *Adams*; *A. G. Nettell* & *B. D. Nettell*, the last two infants.

to appear at the Clerk's Office of the *Circuit* Court of Isle of Wight County, at Rules to be holden

for the said Court, on the first Monday in *April* next to answer *the Bill in*

Chancery of *R. S. Thomas* administrator of *Nancy B. Boykin*

And have then and there this writ.

Witness, NATHANIEL P. YOUNG, Clerk of our said *Circuit* Court, at the Courthouse,
the *24th* day of *March* 18*74*, in the *9th* year of the
Commonwealth.

N. P. Young Ck.

Acknowledge service of the within
summons, April 3rd 1874,

J B Edwards

Nancy R. Boykins' admt.

3 Sam. in cheq.
d.

Nancy Brampton admt. sale.

To Apl. Rls. 1874.

Thomas Rg.

Executed by delivering to the
within named C. B. Boykins
D. G. Boykins & Son

John M. F. Horn his wife

J. E. Adams Geo. Adams

S. D. Cofer & Mary his wife

each a true copy of the
within summons made

16. 1874

J B Edwards Stiff

To the Honorable Geo Blount Judge of the
Sessons Court of Law & Chancery for the
County of Alle & Wight in Chancery sitting
The joint several answers
of J. G. Sibbett & J. G. Sibbett by N. P. Young
their guardian in litigation to the bill of
complaint in said court exhibited by
J. Thomas against them &c.

These defendants jointly &
severally answering say they are infants
under 21 years of age & submit their interests
to the Protection of this Honorable Court
Having answered Grace Chace to be dis-
missed with their costs in this behalf most
unreasonably expended.

N. P. Young gov. ad litem

Boghties cum?

?

crumplees cum?

crumplees cum?

To the Honorable Geo Blount Judge of the
Kincard Court of Law & Chancery for the
County of Alle of Wight in Chancery sitting.

The joint and several answers
of L. B. Hayden adm^r with the will annexed
of Nancy Lemmle deceased; of J. S. Boykin
of Herman Home and M. F. his wife
and L. B. Edwards adm^r of William
H. Boykin dec^d. to the bill of complaint
in said Court exhibited by R. F. Thomas
adm^r of Nancy L. Boykin dec^d against
them &c. &c.

These defendants reserving all
rights of exception to the many errors
and imperfections in said bill contained
for answer thereto, or as much thereof
as they are advised it is material or
necessary for them to answer, answering
that they admit to be true the general alle-
gations of said bill as to the death, intestacy
and relation to the parties in this suit of the
said Nancy L. Boykin & of the qualifica-
tion of the Plaintiff as her adm^r, and of the
death of Nancy Lemmle & her testacy &
the qualification of the defendant L. B.
Hayden as her adm^r with the will
annexed; These defendants are informed
and believe it to be true that the said
Nancy L. Boykin was born in the State

of North Carolina;
That the said Nancy Le Boyeur, after the
death of her father mother being then an
unprovided orphan of the age of ^{years}
without relatives to protect her in the state
of North Carolina was brought to the
state of Virginia that she might be
better cared for at the solicitation
and undertaking of John C. Adams
her maternal uncle and J. S. Boyeur
her paternal uncle both of whom resided
in the town of Smithfield Virginia where the
said infant was jointly cared for, and
supposed dividing her time equally
between the families of her said uncles.
These defendants are informed and are charged
that the domicile of birth of the said
Nancy Le Boyeur was unchanged by the
removal aforesaid, and continued un-
changed by her death in the state of Va-
during her infancy, and having
answered your defendant's prayer there-
to be dismissed with their costs in this
kind of most unreasonably expended,

Signed C. B. Hayden.

J. S. Boyeur

W. F. Horn
mark

L. B. Carwood Adm. of will of said
Herman + Horn
mark

State of High County to wit:

J. George Robinson a

commissioner in chancery for the
Circuit Court of the County of Isle
of High do certify that L.B. Hayden
J.G. Boykin, Herman Horne & W.G. his
wife and L.B. Edwards whose answers
are above written, personally appeared
before me in my said County, and made
oath that the statements contained in
said answers so far as made of their
own knowledge are true, and that the
statements contained therein made from
knowledge or information derived from
others, they believe to be true.

Given under my hand and seal this
fifth day of December 1874

J. G. Robinson Comr

Boyd's adm^r

p } In Chancery

Boyd's adm^r

Answers of
J. B. Keedy, S. G.
Boyd's Heir
Heir & his wife
& L. B. Edwards

Dec. 7th 1844 - filed.

To the Honl. George P. Blinn Judge of the Circuit
Court of Law and Chancery for the County
of Shelby, in chancery sitting.

The joint and several answers, of E. B. Hayden
adm^r, with the will annexed of Nancy Cummpler
deceased; of S. G. Boykin; of Herman Horne;
and M. H. his wife; and E. B. Edwards adm^r,
of William W. Boykin deed; to the Bill of
Complaint in said Court exhibited by
R. L. Thomas adm^r, of Nancy R. Boykin
deceased, against them et als.

These defendants, reserving all right of
exception to the many errors and imper-
fections, in said bill contained, for answer
thereto, or to so much thereof as they are
advised it is material or necessary for
them to answer, answering say, That they
admit to be true the general allegations of
said bill as to the death, intestacy and
relation to the parties in this suit of the
said Nancy R. Boykin, and of the qualifica-
tion of the plaintiff as her adm^r, and of
the death of Nancy Cummpler, and her testa-
cy, and of the qualification of the defendant
E. B. Hayden as her adm^r, with the will
annexed; These defendants are informed
and believe it to be true that the said
Nancy R. Boykin was born in the
State of North Carolina; That the

said Nancy R. Boykin after the death of her father and mother being then an unprotected orphan of the age of years. without relatives to protect her in the State of North Carolina, was brought to the State of Virginia, that she might be better cared for at the joint instance and undertaking of John E. Adams her maternal Uncle, prior to his qualification as her guardian, and L. S. Boykin her paternal Uncle both of whom resided in the Town of Smithfield, and by whom the said infant was jointly cared for, and supported dividing her time equally between the families of her said Uncles. These defendants are informed and so charge that the domicile of birth of the said Nancy R. Boykin was unchanged by the removal aforesaid, and continued unchanged by her death in the State of Va. During her infancy, and having answered your defendants prayer hence to be dismissed with their costs in this behalf most unreasonably expended,

Signed C. F. Hayden

L. S. Boykin

M. J. ^{her} Horn

L. B. Edwards admr. of W. W. Boykin

Herman ^{his} Horn.

mark

Essex & Wright County to wit:

I, George R. Atkinson a Commissioner
in chancery for the Circuit Court of the
County of Essex & Wright do certify that
C. B. Hayden, H. G. Boykin, Herman Horn
& M. H. his wife and L. B. Edwards whose
answers are above written, personally
appeared before me in my ^{said} County,
and made oath that the statements con-
tained in said answers so far as
made of their own knowledge are true,
And that the statements contained therein
made from knowledge or informa-
tion derived from others, they believe
to be true, Given under my hand
as Comr., this fourth day of December
1874.

Geo. R. Atkinson, Comr.

Attest- Lester,

Essex & Wright, Deputy
for H. B. Young, Clk.

Boyd is admr.

vs } In Chancery

Cumple is admr. &c

Answers of C. B.
Hayden, S. G. Boykin
Herman Horn & M. F.
his wife & L. B. Edwards

Decr 7th 1874. filed

copy

In the Circuit Court of the County of Wright County -

R. S. Thomas administrator of Nancy R. Boykin
against Plaintiff

C. B. Hayden administrator with the will annexed of Nancy Crumpler deceased, J. G. Boykin
L. B. Edwards as administrator of Wm. W. Boykin
and as administrator of Julia Griffin formerly
Adams, Herman Stone and M. T. his wife
formerly Crumpler, Geo. C. Adams, George Adams
James Adams, L. D. Cooper and Lucy his wife for-
merly Adams, L. G. & B. F. Kibbitt which latter
two are infants under the age of ~~the~~ twenty one
years Defendants.

To the Hon. George Bledsoe

Judge of the Circuit Court of the County of Wright
County in Chancery sitting.

The above named plaintiff humbly complains
in sheweth unto your Honor

1. That at the February Term of the Circuit
Court of the County of Wright County, ¹⁸⁶⁶ he qualifi-
fied as administrator upon the estate of Nan-
cy R. Boykin in and appeared by a copy of
the certificate of qualification herewith filed
as exhibit "A" and prayed to be taken as a
part of this bill.

2 That as such administrator he received the
sum of \$ 805.58, and that there is in his

land subject to distribution to the parties
entitled the sum of \$616.08 with inter-
est thereon from the day of
1871 until the said sum will appear from
the confidence of H. P. Gentry clerk
hereunto filed as exhibit - "B" and prayed
to be taken as a part of this bill.

- 3 That he is in doubt as to the parties enti-
tled to this fund and prays the aid and de-
~~termination~~^{direction} of this Honorable Court in
the adjudication of the issue, and for its
proper enlightenment states, that the
said Nancy R. Byrd was the
daughter of Eliza M. ^{Byrd} and Nancy his
wife who about the year 18 moved from
the state of Virginia to the County of Be-
nne North Carolina where they resided
until the year 1860. In the early part
of that year, to wit, about the month of
March the said Eliza M. Byrd died
leaving surviving him, his wife Nancy
and his daughter Nancy R. and his wife
occidental. During that same year 1860
Nancy R. Byrd the wife of the said Eliza
M. died leaving surviving her the daughter
Nancy R. Byrd and the child of which
she was accouchee up to the date of the death
of her said husband. During that same year

and died

year (1860) This last named child was born, having survived it, its sister the aforementioned Nancy R. — the only representative of the family. During this same year Geo: E. Adams one of the maternal uncles of the said Nancy R. Bynline having been informed of the misfortune and orphanage of the said Nancy R. dispatched a relative of his to the state of North Carolina to bring the child to the town of Smithfield where he, and one of its paternal relatives lived, and where it would be near its grand mother and other relatives, ^{and the said Geo: E. Adams} ~~Another person~~ R. Bynline was accordingly brought to the said town of Smithfield and is the home of the said John E. Adams who in January 1861 qualified as the county clerk of said North-Carolina as guardian of the said Nancy R. Bynline as well appears by the certificate of qualification and bond of the said Geo: E. Adams herewith filed as exhibits "C & D" herewith filed and prayed to be taken as a part of this bill.

The said Nancy R. Bynline lived with the said John E. Adams her guardian from December 1860 when she was brought to his home until August 1865 when she died there when she died the family of said M. Bynline became extinct, and the question now is who is entitled to the fund in the hands of Geo:

plaintiff and how shall it be distributed, shall it go to its grandmother living at the death of the child according to what appears to be the law of North Carolina, or shall it be distributed between its paternal and maternal kindred according to the law of Virginia.

Its paternal kindred are (1) Nancy Crumpler its grandmother (2) J. G. Boykin, (3) Wm. W. Boykin (4) M. J. Hume, and Lucia ~~Boykin~~ Stibbe. Its maternal kindred are Mrs. E. Adams, James Adams, George Adams and Lucy before formerly Adams brothers and sisters of the whole blood and Mary Henry formerly Adams and Julia Griffin formerly Adams, sisters of the half blood.

The said Wm. W. Boykin, Julia Griffin and Nancy Crumpler having departed this life their estates have been committed to the hands of their personal representatives, to the hands of L. B. Edwards, as ^{administrator} ~~representative~~ of the estate of W. W. Boykin and Julia Griffin, and W. C. B. Hayden as administrator of the estate of Nancy Crumpler, who have duly qualified as such.

In under consideration where of and for as much as of our plaintiffs is entitled

Remedy save in a court of Chancery where
matters of this sort are alone cognizable
to the end that justice may be done he
prays that the said C. B. Hayden admin-
istrator with the will annexed of Henry
Crumple deceased, S. G. Byrkin, L. B. Ed-
wards as administrator of Wm. W. Byrkin
and Julia Griffin formerly Adams, Her-
man Horn and M. C. his wife formerly
Byrkin, Geo. E. Adams, George Adams
James Adams S. A. Cope and his
wife formerly Adams, James He-
mings and Mary his wife formerly
Adams, L. G. & B. F. Abbott, the latter
two infants by sumers appointed to be
their guardians ad litem to defend their
interests in this suit, may be made
parties defendant to this bill and be re-
quired to answer the same so fully and
as particularly as if they were here and
now specially interposed, that an ac-
count of the transactions of the plaintiff
as administrator of M. W. Byrkin be taken,
that the money in his hands may be
distributed to the parties entitled thereto
and that all other and further relief may
be granted as the nature of the case may re-
quire to Equity - Shall Remedy and
he will ever pray &c.

Thos. H. G.

Thomas admr
v. Biel
Hayden admr

Octo. / 75. Final Decree

March 24th 1874.
Affid. filed serv. of process
v. Attorney General for Adams.

April. Rls. return exp. on all
other debts: & decree issue &
serve process on Griffin, admr.
of J. A. Griffin.

May Rls. Dr. nisi re: Julia
A. Griffin admr. set for
hearing as to other debts, on
return process exp.

June Rls. set for hearing
as to J. A. Griffin's admr.

July Rls. set for hearing as
to absent debts, in further t.

Octo. Ct. Dec. for act. & leave
to file ans.

Feb. 75. Dr. conf. rpt.
for Thomas admr. t. Hay
Hayden admr. t.
Oct 175. Final Dec.