1794 - 006
Southampton County

Chancery Papers : Joyner vs Edwards

11/1794

other SURNames : JOINOR

Lewis Joiner

vs

Richd. Edwards

Chancery

Ex August Court 1790.

To the worshipful the court of Southampton county
sitting in chancery humbly complaining sheweth unto your
worships your orator Lewis Joyner,

That one Richard Edwards late of Surry county was
in the year of our Lord one thousand seven hundred &
deputy sheriff for this county, & he the
said Edwards being thus engaged did deliver to
your orator a list of persons, whom he asserted
to be indebted to him, including many respectable
characters, which debts your orator was to collect,
& receive as his own proper right, & appropriate
in every instance to his benefit & advantage.

And your orator further sheweth unto
your worships, that after receiving the said
draught, or list, & not doubting the honesty & integ-
rity of the said Edwards, did in consideration
of receiving the same, give his bond to the
said Edwards for the sum of
pounds
pounds, that if the said list which he then had
should prove just, & not disputed by the persons
therein respectively enrolled, that your orator
would be indebted to the defendant to the
amount of his said bond.

But so it is may it please your worships
that when your orator waited on the persons

who stood charged on the list, he found most of the accounts with reason disputed,— many of the persons having Mr. Edwards's receipts for the tax with which he had again charged them — also diverse other persons who by the said Edwards stood charged for the year 1783 were not listed for the said year, as appears by reference to the books in this office in such case made & provided. And your orator begs leave to further suggest & shew unto your worships, that in consequence of a defect in the list of persons delivered to your orator, & by reason of his paying orders drawn by the said Edwards, upon a fair & candid statement of the accounts subsisting between your orator & the defendant there is a balance of about £76.10.5 p.a. — But the said defendant before your orator could discover his deception & imposition in regard to the list above recited, instituted suit in this worshipful court against your orator for the amount of his bond & obtained a judgment against him to the full amount thereof. In consequence of which, & your orator sensible of the great hardship of the said judgment, did file his bill of injunction in this worshipful court, to stay proceedings on the said judgment, till the matter could be finally heard in a court of equity — But your orator having frequent demands for money, & having been long engaged in expensive lawsuits & litigations found himself unable to give that security which the law requires for the foundation of his injunction — In tender consideration whereof, & for as much as your orator is without redress at the common law, & only relievable in a court of equity — To the end Therefore that the said Richard Edwards may on his respective corporal oath, full, true, & perfect answer make, to all & singular the allegations of this bill as fully & particularly as if the same were again set forth & repeated. But more especially that this worshipful court may order & direct that the said Richd. Edwards may come to a fair, candid, & open settlement with your orator — & that your worships may make such other decree, as may be consistent with equity & good conscience — May it please your worships to grant unto your orator the most gracious writ or writs of subpoena &c —

Benjamin Drew for the Plaintiff

L. Jones
vs
Rich. Edwards

April Court 1794

Octr 1794 Issm

To the Worshipful the justices of Southampton County sitting in Chancery humbly complaining sheweth unto your worships your orator Lewis Joiner

That one Richard Edwards late of Surry County was in the year of our Lord one thousand seven hundred & — deputy sheriff for this county, & he the said Edwards being thus engaged did deliver to your orator a list of persons whom he was to be indebted to him, including many respectable characters, which debts your orator was to collect, & receive as his own proper right, & to appropriate them in every instance to his benefit & advantage — And your orator further sheweth unto your worships that after receiving the said draught, or list, & not doubting the honesty & integrity of the said Edwards did in consideration of receiving the same, give his bond to the said Edwards for the sum of fifty odd pounds; Imagining that if the said list which he then had should prove just, & not disputed by the persons thereon respectively enrolled, that your orator would be at least to the amount of his bond justly indebted to the defendant — But so it is may it please your worships that when your orator waited on the persons who were charged on the list, he found most of the

accounts with reason disputed — to [illegible] persons having Mr. Edwards's receipt for the tax with which he had again charged them — also divers other persons who by the said Edwards stood charged for the year 1788 who were not listed for the s.d year as appears by reference to the book in this office in such case made & provided. And your Orator begs leave to further suggest & shew unto your worships that in consequence of a defect in the list of persons delivered to your orator by reason of his paying orders drawn by the said Edwards, upon a fair & candid statement of the accounts subsisting between your orator & the defendant there is a balance of about £76-10-5½ But the s.d defendant before your orator could discover his deception & imposition in regard to the list above recited, instituted suit in this worshipful court against your orator for the amount of his bond, & hath lately obtained a judgement against him to the full amount thereof, & now threatens to sue execution thereon in order to compel a payment of the money. All which actings & doings of the said Richd Edwards are contrary to equity & conscience - In tender consideration whereof, & for as much as your orator is without redress at the common law, & only relievable in this worshipful court of equity — To the end therefore that the said Richard Edwards may on his [illegible] tiae corporal oath, full true & perfect answer

[illegible] singular the allegations of this bill [illegible] be enjoined perpetually from any further proceedings thereon, till the matter can be finally heard in this court of equity, & that the account herein recited may be admitted as a part of this bill, & your orator have such other relief herein as shall be consistent with equity & conscience

May it please your worships to grant unto your orator the commonwealths most gracious writ or writs of subpoena & injunction directed to the said Edwards &c &c —

Dey.a Greg.o pro plaint.ff

Sworn to before me

Geo: Gurley

R Edwards
ad's
L Joyner
answer
in Ch'y.

The answer of Richard Edwards to the bill of complaint exhibited against him by Lewis Joyner. This defendant saving and reserving to himself now and at all times hereafter all and all manner of benefit and advantage of exception to the manifold uncertainties, imperfections and untruths in the complainants said bill of complaint contained, for answer thereto or to so much thereof as this deft is advised is material for him to make answer unto, he answereth and saith - That he, this defendant, was a deputy sheriff in this county of Southampton for the years 1782 and 1783 - That in the year 1784 this defendant had accounts against several persons in the said county for the taxes of the aforesaid years, and that he proposed to this complainant (who was then a deputy sheriff for the said county, and who had accounts against many persons more convenient to this defendant than those against whom his accounts were) to make an exchange of their accounts; to which proposal this compltt assented, and they accordingly delivered each to the other a list of their several accounts, the account of the compltt amounting to upwards of £600 and that of this defendant to upwards of £200. That this defendant after having made several payments to the said complainant was applied to by him for a further sum of money which he refused to let him have, believing (as afterwards appeared to be the case) that he had then paid him more than the difference in their accounts - The s[aid] Joyner then told this deft that if he would let him have thirty pounds that he would repay him the money at the next court, on which this defendant did lend him £30.. 14.. 8. for which the said complainant executed a note payable to this defendant on demand, on which note this defendant has since obtained a judgment - This defendant denies most positively that the said Joyner ever executed

to this defendant such a bond as he in his said bill of complaint has untruly set forth — But on the 16th day of December 1787. the said Joyner and this deft came to a settlement of their accounts, when it appeared that there was a balance in favor of this deft, of £24. 8. 6 3/4, for which sum the said complainant gave this defendant his note payable on demand, and on which he has since prosecuted a suit and recovered judgment in this court. — That some time before the commencement of the said suit this deft applied to the compltt for payment of his note, when he informed this deft that there were two or three small accounts which had not been paid him, and for which no credit had been given him on their settlement. That on his return home he had reference to a state of the settlement of their accounts as aforesaid, and could not discover that the said Joyner had been credited with them — And he has therefore lodged in the office of this court the amount of the said accounts and has given directions to Samuel Kello Esqr. clerk of the court, to credit the same herewith — This defendant begs leave to suggest that if there has been such receipts given by the said defendant to the persons on whom he had drawn his accounts, as the said complainant hath in his bile of compt. alleged, it is presumable that the said Joyner would have mentioned them to him, and insisted on their being allowed in his account on the settlement aforesaid, — which the said deft declares he never did — This defendant acknowleges that there were, amongst the accounts given by him to the said Joyner, some, for the year 1783 against persons who, by the commissioners books did not appear to be listed for that year, but that the said Joyner had credit for all such accounts on their final settlement — This defendant does not remember ever to have drawn an order on the complainant for any money whatever, but on the contrary there were several drawn on him by the complainant — All which matters and things this deft is ready to aver and prove as this worshipful court shall direct and award and prays to be hence dismissed with his costs in this behalf most wrongfully sustained &c.

Jno Cross for the deft

Surry County, to wit.

Richard Edwards came before me this twelfth day of July in the year of our Lord 1791. and made oath that the above answer as far as relates to his own knowlege is true, and as far as it relates to the knowlege of others he believes it to be true. ——

Wm Edwards

Joyner
&
Vs.
Edwards

Subpœna
in
Chan.y

12th Sept. 6
1790.

Executed
J. Simmons

The Commonwealth of Virginia To the Sheriff of Southampton County Greeting. You are hereby Commanded to Summon Richard Edwards to appear before our Justices of our Court of our said County at the Court House on the Second Thursday in next to Answer a Bill in Chancy: exhibited against him, by Lewis Joiner and have then there this writ witness Samuel Hollo. Clerk of our said Court at the Court House the 12th Day of Aug: 1790. in the 15th year of the Commonwealth

Sam: Hollo Dn.

1. 17. 6
2. 0
1
2. 1. 2

3. 7. 5
3. 0. 0
7. 0.
19
1. 10
12. 0
3
17. 0. 9

3 10

Rich and Edwards accompts

Lonns Journeys to collect.

4. 15

41 6. 10
½

1. 7. 4
1. 3

1. 0. 7.

Themes

4
2. 7½
12 0

7. 0. 2

1. 4. 10
6
6
10

(2. 6. 10)

1. 0. 4
6
5. 6
2..

3. 11. 10

3. 12. 6
3. 11. 10

0. 0. 0

0. 13. 10
1. 0. 4

7. 13. 6

4. 16.
2. 16

7. 12

3. 4. 3
1. 4. 10

1. 19. 5 Cash
1. 17. Certificate

List of Certificates due for the Year 1783.

Jos.	Browne			7	6	11	Jemima	Hatfield			7	7
William	Priscilla Beal	+		9	7		Thomas	Hines			14	
Ephraim	Beal			13	7		James	Harris			12	
Jesse	Bulls			15	6		Samuel	Jones pd.		3	14	11
Richard	Bradshaw			14	6		Matthew	Jones		2	6	9
Benj.a	Bradshaw		7	17			Nathan	Joyner		1	2	1
Jordan	Brewer			14	3		William	Ingram		2	4	8
Joshua	Brantley	+		10	6		Jacob	Joyner		3	5	10
Creacy	Browne	+		13	8		Joshua	Joyner Senr.			12	3
James	Bridger	+		7	7		Mary	Johnson				6
Ketchel	Bishop			17	8		Jonas	Joyner		1	2	10
Hardy	Bunn		1	0	1		James	Johnson Jr.			12	
Elisha	Ballard	+		11			Mary	Jones				9
John	Cooper	+	1	2			Shadrack	Johnson			10	6
Elizabeth	Cobb	+		19	7		Bridget	Joyner		1	9	
Nicholas	Cobb	+	1	14	11		Christian	Jenkins			7	8
Lazarous	Cobb	+	2	3	3		James	Hamner			13	
Samuel	Cobb	+	1	10	4		William	Hollo		1	15	10
Henry	Cobb	+	3	4	8		Thomas	Lawrence			5	10
Dempsey	Cooper	+	1	8			Shadrach	Lewis			9	10
Thomas	Coffield			10	9		Eliz.a	Lankford		3	6	4
Matthew	Cobb	+		12			John	Lawrence N		6	4	2
Thomas	Comos	+		14	4		Sarah	Lewis			5	
Drewry	Cotten	+		17	3		Burwell	Long			10	
Wilk.s	Doyel Dec.d	Jan Doyel Admr		3	6		Abraham	Mitchell		2	12	9
John	Drake	+	1	4	4		Thomas	Berry	+		10	
Henry	Drake			10			Thomas	Peele		1	1	8
William	Drake	Insolvent	2	1	5		Robert	Peele		3	2	7
Jesse	Draper			14	3		John	Jones			10	
Thomas	Draper		1	12	6		Dorobabel	Starke			13	6
Ephraim	Draper			12			Robert	Speed Receipt		1	3	7
Barnaby	Drake	+		18	11		Charles	Speed Receipt		1	10	7
Jacob	Denson	+	1	2	8		Richard	Peele			13	1
William	Denson	+		12			William	Peele		5	7	
Sarah	Drake	pd.		8	1		Joseph	Turner			12	9
Robert	Denson	+	1	11	4		James	Peele Junr.		1	5	9
John	Drewry	+		14			John	Williams		2	14	5
William	Freeman	+		12			Thomas	Wainwright			14	4
Silvia	Fowler				6		Matthew	Williams			13	
John	Francis		1	6	2		Jacob	Wheeler			15	
Olive	Griffin		1	12	11		Robert	Western			9	6
James	Grefarit		1	5	8		Blyth	Williams Exr.			14	10
Jesse	Glover J. Wright			15	8							
John	Hartley		1	17	8			Rich.d Edwards				
Samuel	Hartley			11	6							
Robert	Hartley		1	4	8		For Capt. Lewis Joyner to Collect					

Joiner
vs
Edwards

Mr Richard Edwards to Lewis Joyner in Certificate Dr.

1703

	£
To your Account vr Drewry Cotton paid to Jno Simmons	0 " 17 " 3
To your Account vr John Drake paid your self. - - - - -	1 " 4 " 4
~~To your Account vr William Dell~~ - - - - - - - - - -	
To your Account vr Thomas Draper paid to you - - -	1 " 12 " 6
To your Account vr Robert Donson, no such man - - -	1 " 11 " 4.
To your Account vr James Hainly never listed - - - - -	12 - -
To your Account vr Thomas Peate paid to your self	1 " 1 " 8
To your Account vr Robert Sped. Receipt produced - - -	1 " 3 " 7.
To your Account vr Charles Sped Receipt produced - -	1 " 10 " 7.
To your Account vr Benjamin Bradshaw proved paid -	7 " 17 - -
	£ 17 " 10 " 3

Britain Johnson · 1784

1 Lowey - - - - -	5
1 Horse - - - - -	2
To Killo 15 Gallons - - -	1 · 10 ½
1785	
1 Poll - - - - -	5
1 Horse - - - - -	1 - -
To Edward 1783.	1" 10 · 2
	2 · 5 · 0 ½

Pay. Cash. - - - - - 1 " 16.

£

Tax & levy for 1783

Richd Beal (of Thomas)	1 Tithable		1 House 4 Cattle	18
Joshua Brantley	1 D°		2 Cattle	15 6
Jn° Cooper	1 D°	1 Slave over 16	1 House	1 12 6
Thos Cotfield	1 D°		3 Cattle	15 9
Jn° Daughtery	1 D°		2 Horses	19
Wm Drake	1 D°	1 young slave	1 D°	1 7
Ann Joyner		2 tithables 6 Slaves	1 House 7 Cattle	
Wm Truman jr	1 D°		1 House	16
Tilus Fowler			2 Cattle	6
Sam° Heisby	1 D°		6 Cattle	16 6
			1 House 4 Cattle	3
Jemima Hatfield	1 D°		2 Horses	19
Tho! Hines	1 D°		4 Cattle	16
Britain Johnson				

J Kello

Same
as
Edwards

E Joyners Acct
vs
Richard Edwards

Dr Richard Edwards to Lewis Joyner 1785

Oct. 1785	To ballance Credited your Account by the parish	£ 16 ‖ 10 . 0
	To paid William Hines Jp order	6 ‖ 10 . 0
	To paid John Mitchell for his attendance on Court	2 ‖ 10
1783	To your Account against Ranleigh Barrett not listed	1 ‖ 9 ‖ 1½
	To your Accout against Benj. Odonnilley not listed	5
	To your Act. against Peter Denson not listed	11 .
	To ditto against Anne Denson not listed	1 ‖ 8
	To do against Henry Love not listed	17 ‖ 7
	~~To ditto against Abraham Lyon not listed~~	~~0 ‖ 5 ‖ 9~~
	To your Account against James Hardy not listed	17 ‖ 6
	To your Account against Richard Johnson not listed	1 ‖ 3 ‖ 1
	To your Account against Will Barrett received by you	5 ‖ 6 ‖ 9 ¼
	To your Account against Barretts Estate received by Sig	3 ‖ 16 . 6
	To your Account Against Jordan Denson paid to you	11 . 3
	~~To your Act. against Abraham Lyon proved to be paid you~~	~~2 . 3~~
	To your Account vs William Freeman Junr. paid to you by Mr. Urquhart	1 ‖ 14 ‖ 3
	To Sundry other Account of yours Given me to Collect and proved to be paid your self	£ 43 ‖ 9 ‖ 5 . ¾
	To your Account against ~~James Counsil~~ paid you	15 . 3
	To your Account against Charles Counsil paid yourself	1 . 10 ‖ 10
	To your Account against Dewey Cotton paid John Simmons	1 . 2 . 9 .
	To your Account Against John Drake paid your self	11 . 7 .
	To your Account vs Micajah Griffin	9 . 1 . 0 ¼
	To your Account vs Jesse Gardner of John	13 . 9
	To your Account vs Joseph Gresswell No such man	1 . 5 ‖ 9
	To your Account vs John Worrell paid your self	19 . 6
	To your Account vs Abralom Joyner paid your self	1 ‖ 14 ‖ 8 ½
	To your Account vs parish said to paid Isaac Joyner Jp order	1 . 16
	To your Account Jp Giles Joyner	3 ‖ 12 . 8
	To your Acct. said to be paid Jethro Joyner	4 . 2 . 11
	To 2 barrells Corn said to be delivered James Rowe	2
	To 2 ditto said to be delivered Anne Jackson	2
	To pork said to be paid Joseph Bradham	1
	To 2 pounds Error in The Williamsons Account	2
		£ 77 ‖ 16 ‖ 2 ½

E E Lewis Joyner

Memorandum give Cr on the Exors
Mr. Richd. Edwards Las against
Lewis Joiner the Cr on the Exon for
£24 — is By Wm. Hines £6 10 3
By Ann Joiners Acct. del.d you to collect
£1 3 11. By part of J. Sam.s Hales
Acct. £1 7 3. By ~~Cash Capt. Cain~~
~~deliver you to collect~~
By Zerobal Hales Acct. £1 14 6
By Cash paid John Mitchell £2 10
By £4 13 4 Certif.
The above to be Credited on the
Bond given by Joiner to Mr.
Edwards for balance on Settlement
By Cash ~~Lodd~~ 8/3
to be credited as above

Memorandum for
C. Hines. Get him
two Pounds of Fresh
Shrimps when at Stock
Infield