1834-125 SOUTHAMPTON COUNTY CHANCERY PAPERS JOHNSON VS JOYNER & CHAPMAN et al

12/1834

other SURNames: MANREY, MANRY, MANNRY MANNERY MANY, LUTER, CORBITT, JOINER, MANERY

№ 42

Johnney Johnson

vs. Bill of exhibits.

Joyce & Chapman.

Baker.

Nov. 21st 1825 Decree

Wm Rich
Silas Summerell } Commissioners
& Benjd Pippin

+ Sept. 4th 1826 Order of pub. to Nov 1826
+ Jany. 31st 1827 comn. issued to take depo-
= sition —
+ March 1827 Decree for an acct. & for
a valuation of the land —
+ Appic 16th 1827 commission awarded the plt.
to take depositions

1834 Decr. Dismissed

J. Rumpton Cobb

Johnson v. Chapman — This cause came on this day to be heard

To the worshipful Court of Southampton County, in Chancery sitting Humbly Complaining sheweth unto your worships, your Orator Johnny Johnson, that in the year 1815 John Joyner, late of the said County, executed, for a debt due, two several writings obligatory, both amounting to the sum of $120 exclusive of interest: the said two bonds or writings obligatory, are herewith filed & prayed to be considered a part of this Bill - your orator further sheweth that the said John Joyner, without paying the said sum of money, all of which is still due, left the State of Virginia & is still out of the same: the said John Joyner at the time of his departure from the Commonwealth, had no property real or personal within the same, but since his removal, in consequence of the death of his Brother Michael, he has become entitled with his sister Mildred, to a small tract of land, containing about fifty acres, together with some personal property -

The said Mildred Joyner has also recently departed this life, and one John N. Chapman has qualified as her admr. by reason of which the said John Joyner becomes entitled to the whole or a part of her estate after the payment of debts at any rate the said Mildred Joyner having died in the life time the whole of the real & personal estate to which Michael Joyner died entitled, the Compt. in payment of the said bonds has a right to look to the said John N. Chapman as admr. as aforesaid for that part of the same which belonged to the said John Joyner as one of the heirs -

In Tender Consideration whereof &c. To the End therefore prays that the said John Joyner and John N. Chapman admr. as aforesaid (who are prayed to be made defendants hereto) may upon their corporal oaths full & perfect answer make to all & singular the said allegations and that as perfectly as if the same were here again repeated & interrogated.

That the said John N. Chapman may set forth upon oath whether he has any property real or personal, in his hands belonging to the said John Joyner or as admr. of the said Mildred Joyner - that he may set forth upon oath a true & perfect account of his transactions as admr. as aforesd.

as also a true & perfect account of all estate, real or personal which may be otherwise in his hands or under his control and belonging either to the Estate of the said Mildred Joynes or to the said John Joynes; and that the said John H. Chapman may be restrained from paying, conveying away or secreting the debts & effects belonging to the said John Joynes - your orator prays that your worships will deem the payment of his said demand out of the said John Joynes personal effects in the hands of the said John H. Chapman, should the same be sufficient, otherwise he prays that your worships, after causing the same to be valued by discreet comrs. in the manner required by law, will decree a sale of the said real estate part of the proceeds thereof direct the payment of your Orators said demands And lastly your Orator prays that your worships will make such other or further order or decree in the premises as to the court may seem right & may it please the court &c.

Southampton county to wit:

This day Silas Summerell appeared before the subscriber a justice of the peace for the county aforesaid & made oath that he has understood & verily believes that John Joynes is not a resident of the Comth. of Virginia - Given under my hand & seal this day of November A. D. 1825.

Silas Peterson [illegible]

And the complainant by way of amendment prays that Elizabeth Mauny may be made defendant to the foregoing bill of complaint and she may fully & perfectly answer the several allegations therein contained

Chairman

Annual

To the worshipful Court of Hampton County the answer of John & Chapman administrator of Milly Joiner dec'd to the bill filed in the said Court against him & as such John Joiner

This respondent saving to himself all just benefit of exception to the complts bill for answer thereto says it is true that he qualified as the admr of Milly Joiner dec'd & for the purpose as he was a creditor of hers & saving his said that he - personal estate is sufficient & that after paying what is due to him which he is entitled to retain he has no objection to pay whatever balance which he is ordered should be ascertained by a reference of his account current to a Master commissioner to whom the same may be ordered by your worships that he has been not - desirous to John Joiner whom said it is sought by the bill to subject to pay but is the fact the property of Mrs Elizabeth Warren who is the sister & next of kin of Joiner his intestate who after the death of Michael Joiner had obtained a Deed from John Joiner for that part of his dower

which by descents have been cast on the two
(c) Milly & John Doiron & Monroe It is impossible
of proof that John Doiron left this Country
a great number of years past & has not been
heard off in the last seven years & your
respondent is advised is in contemplation of
law dead & it is believed he never had
any child or children & so that if these facts
which have been told your respondent are
true he understands by counsel that Mrs Mary
is entitled by direct descent to the lands
& other estate of Milly Doiron after payment of
her just debts that he suggests to prevent the
impunity of making the said Elizabeth Mooney
a party to the said proceedings so that the
rights of all parties may be brought before
the Court in order to a final determination
& Law & the said rights to which the said
respondent has no objection nor to a decree
of the payment over of any balance in his
hands after deducting the costs of this suit to
such person as this Court may deem entitled
& hearing annexed as far as he is advised it
is material he should pass hence to be exempt
& as in Duty he will ever pray &c

Solicitor for Complt

Sworn to in open Court 15th June 1826 — J Rochelle C

E Mooney

Answer

July 17th 1896 ans. files

The answer of Elizabeth Mooney & Wm Mooney her to the bill of Complaint exhibited against them by Johnson Johnson & James John M Chapman & John Jones & to which the said Elizabeth Mooney has been ordered to answer the Court this day made as follows

These respondents saving to themselves all benefit of exception to the Complainants bill for answer thereto or to so much thereof as they are advised is material they answer & say that they are informed that John Jones who left this state many years past is in legal contemplation & they believe in point of fact dead that he died intestate & without issue whereby he went away that they think themselves the next of kin to the said Molly Jones but they are not able to prove the above facts & mention that after the death of the said Jones the said John & Molly having inherited his Estate of the said deceased the said John removed to his adventure from this state conveyed his land thereby to the said Molly Jones so that John Jones left no Estate of his own here upon which any execution is enforced that a Deed was made for the same to the said Molly Jones who has subsequently sold Estate thereon

2 that the Whole Tract it is said in the bill
about fifty acres was the property of Milly
Jones at her death your respondent Elizabeth is informed
that she shall be unable to show that she
is entitled to the said estate of Milly
Jones & as she does not wish any thing
more than what by law she is entitled
she prays your worships in the consideration
of the premises in this cause to make
such decree as may be consistent with
the rights of all parties & she as in duty
will ever &c.

Alex Mc Clung for Elizabeth
atty in Chancery &
Mauny.

Sworn to in open court
I Rochelle
19th may 1826 -

Lupes County SS

This Day Wm Mauny appeared before me
Fielding Rose a justice of the peace for said County
& made oath to the foregoing answer so far
as same or his own knowledge & that
he believes them true so far as same
on the knowledge of others given under
my hand & seal this third day of July 1826

Fielding Rose. J.P.

Johnson

vs. Ezra Dean.

Chapman.

Johnson v. Chapman – This cause came on this day to be heard upon the bill, the answers of the defts John H. Chapman admr of Mildred Joyner, William Mannery & Elizabeth Mannery, the order of publication against John Joyner returned duly executed, the depositions of witnesses & exhibits filed, & was argued by counsel, On consideration whereof, the court doth adjudge order & decree that the deft John H. Chapman admr as aforesaid make before a commr of this court an account of his transactions upon the estate of the said Mildred Joyner, which account the said commr is directed to examine state & settle & to the court report with any matters specially stated, deemed pertinent by himself or required by the parties to be so stated – And the court doth further ad: or: & decree that Silas Summell and James Clayton do value upon oath the lands and tenements in the proceedings reported, the same being the lands to which the deft John Joyner claims title & make report thereof to this court in order to a final decree –

Johnson
vs
Joyner &c.

Copy Decree

Southampton County To Wit

Personally appeared before me James Clayton & Lucy Griffin qualified to the matters in order set the last district - Given under my hand this 1st day of April 1826 James B Ellis JP

Ellis
vs
Joyner &c

Copy Deed

Southampton November County Court 1825.

Johnney Johnson . . . . Compt.

against

John Joyner & John H. Chapman adm^rs of Milered Joyner . . . Defts

In Chancery

Decreed and ordered that the defendant John H. Chapman be restrained from paying conveying away or secreting the debts in his hands owing to or the effects in his hand of the defendant John Joyner tice the further order of this court; and it is ordered that Silas Simmonds, James Clayton and Benj^a. Griffin or any two of them being first sworn as the law directs value the land whereof Michael ~~Joyner~~ died possessed which descended to the defts. John Joyner by the death of the said Michael & Milered Joyner & return a report of their valuation to the court

A Copy Test James Rochelle C.

Southampton County

In Conformity to the above order, we the undersigned have gone on the lands that Michael Joiner died seized & possessed of and in our Judgment say that the said land is worth Three dollars pr. Acre. Given under our hands this 15th day of April 1826

James Clayton

Benj Griffin

Johnson
vs
Joyner

Spa in Chly.

To January Court 1826 –

The within Jno. Joyner and
Jno. A. Chapman are no inhabi-
= tants

Stephen Mundaugh Dpty
of Jeremiah Cobb Sheriff

To Matthias Thompson Jno. A. Chapman & Joyner greeting We command you that you omit not by reason of any liberty in your bailiwick but that you enter the same and take the said Jno. A. Chapman & Joyner if they may be found in your bailiwick and them safely keep so that you may have their bodies before the Justices of our Court of Pleas and Quarter Sessions for the County of Southampton at the Court House on the first Monday in January next to answer unto John S. Chapman in a plea of trespass on the case to his damage as he says the sum of Five Hundred Dollars and have you then there this Writ.

WITNESS, [illegible] Clerk of our said Court at the Court House aforesaid this 2nd day of December in the Year of our Lord one thousand eight hundred and twenty five and in the fiftieth Year of the Commonwealth.

[illegible] Clerk

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

YOU are hereby commanded to Summon

Court of

to appear before the

County on the day of the next court, to be holden at the Courthouse in said county,

to testify and the truth to speak on behalf of

in a certain matter of controversy in one said Court

depending between

and

Witness

Clerk of the Court aforesaid

Year of the Common wealth

shall in no wise omit, under the penalty of £100. —— And have

then there this Writ.

WITNESS,

Clerk

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

YOU are hereby commanded to Summon John Joyner and John H. Chapman adm^rs of Mildred Joyner ——

to appear before the Justices — of our County — Court of Southampton County, on the first day of the next court, to be holden at the Courthouse in said county, ~~to testify and the truth to speak on behalf of~~ in the month of January last to answer a bill in chancery exhibited against them by Johnny Johnson ~~in a certain matter of controversy in our said Court depending between Plaintiff and Defendant~~; and this they shall in no wise omit, under the penalty of £100. each——And have then there this Writ.

WITNESS, James Rochelle ——— Clerk of the Court aforesaid, at his office the 15th day of December 1825, in the 50th year of the Commonwealth.

James Rochelle C.

Johnson
vs
Joyner & } Spa of
} Review

To February Court 1827

The Commonwealth of Virginia to Joseph H. Johnson
Greeting: You are hereby commanded to Summon John H. Chapman
administrator of Mildred Johnson dec'd. and John Joyner to ap-
pear before the Justices of our County court of Southampton
at the courthouse on the third monday in February next
to Shew cause if they can why a certain suit in Chancery
now depending and undetermined in our said county Court
of Southampton originally brought by Jonny Johnson against
said John H. Chapman admr as aforesaid and John Joyner
and afterwards revived by consent against William Mane-
-ry & Eliz.th Mamery should not now be revived against
and in the name of Wm. Mamery, Sally Mamery and
Elizabeth Mamery heirs and distributees of Elizabeth
Mamery the elder who has departed this life since
the institution of this said suit — And this they shall
in no wise omit under the penalty of $100 each
And have then there this writ — Witness James Rochelle
clerk of our said county court of Southampton at his
office the 19th of January 1827 and 51st Year
of the Commonwealth — James Rochelle Cc
by

We acknowledge legal Service of the above Subpoena
19th Jany. 1827 Jesse H. Mc Knoledge by
Whitney Johnson

Johnson
vs
Chapman ad. Pf.

bond. to Take
Depositions

The Commonwealth of Virginia to James D. Nasworthy & James C. Parker Gentlemen Justices of the peace for the county of Southampton Greeting: Know ye that we Trusting to your fidelity and provident circumspection do diligently examining Jonathan Luter & Samuel Corbitt witnesses as well on behalf of Johnney Johnson Complainant as John Joyner, and John H. Chapman admr of Milsneds Joyner dec'd William Mamy Sen'r Wm Mamy jr. Sally and Elizabeth Mamy Defendants in a Suit in Chancery now depending and undetermined in the County court of Southampton. Commeand you or any Two or more of you that on Such certain days and at Such places as you shall appoint, you assemble yourselves & the witnesses aforesaid, before you you call and cause to come, and diligently examine on the Holy Evangelist of Almighty God, and their examination into our said Court, distinctly and plainly without delay, you send and certify enclosed returning to us also this writ — Witness James Rochelle clerk of our said County Court of Southampton at his office the 31st day of January 1827 & 51st Year of the Commonwealth.

James Rochelle c.S.C.C.

Va. S.t Amplen.ty to Wit.

This day Joseph H. Johnson personally appeared before me a Justice of the Peace for said County and made oath that he delivered to Johnny Johnson & John A. Chapman a true Copy of the within Notice on the 6th of the present month. Given under my hand this 19th March 1827.

James W. Tarver Jr.

Sussex County to Wit—

March 6th 1827

Johnney Johnson and Mr John A Chapman admrs
of Mildred Joyner dec'd

Gentlemen you will please to take notice that we
shall proceed to take the depositions of Jonathan
Lester, Sam'l Corbitt and others on the nineteenth
day of this Inst. Between the hours of Ten o
Clock in the Morning & four in the Evening in Willi
-am Everitt's tavern in the Town of Jerusalem
to be read in Court as Evidence in the Suit depending
in the Chancery Court of Southampton County Between
Johnney Johnson Complainant & John A Chapman
admr of Mildred Joyner dec'd Wm Manry Sen'r
Wm Manry Jun'r Sally Manry & Elizabeth Manry
defendants when and where you may attend if you
think proper—

Wm Manry Sen'r
Wm Manry Jun'r
Sally Manry &
Elizabeth Manry

Johnson
vs
Chapman & C.
} Depositions

Came to hand March 19th 1827
Enclosed under seal ——

The Clerk of the Cty. Ct. of Southampton

depositions of Jonathan Luter to be read in evidence in a Chancery suit now depending in the County Court of St. Marys between Johnny Johnson, Complainant and John N. Chapman Admr. of Milord Joyner dec.d William Many Sr. William Many Jr. Sally Many & Elizabeth Many Defendants taken this 19th day March 1827. by virtue of the annexed Commission. —

Jonathan Luter who being first sworn upon the holy evangelist of Almighty God deposeth & sayeth, that at the time of Milord Joyners death Elizabeth Many the wife of said William Many Sr. & Mother of William Many Jr. Sally & Elizabeth Many was the nearest relation then living. —

his
Jonathan + Luter
mark

Samuel Corbitt who being duly sworn deposeth & sayeth, that at the time of Milord Joyners death Elizabeth Many the wife of William Many Sr. & Mother of William Jr. & Sally & Elizabeth Many was the nearest relation then living. —

his
Samuel + Corbitt
mark

We hereby certify that the above depositions were sworn to & subscribed before us. this 19th. March 1827. —

James W. Parker J.P.
J. D. Wasenburg J.P.

Silas Summerell Esq

Southampton County

Va

Particular case
and attention of
Capt. Wm Hill
who will please favour immediately

Mr. Wrightwick will oblige Mr. S. by forwarding
this as soon as possible

At Rules holden in the Clerk's Office of the County Court of Southampton, on the 6th day of November, eighteen hundred and twenty six,

Johnney Johnson, *Compl'nt,*
AGAINST
John Joyner, John H. Chapman, adm'r of Mildred Johnson, and William Manery and Elizabeth Manery, *Def'ts.* } In Chancery.

THE Defendant John Joyner not having entered his appearance and given security according to the act of Assembly and the rules of this Court, and it appearing by satisfactory evidence, that the said Defendant John Joyner is not an inhabitant of this Commonwealth—Therefore, it is decreed, ordered and adjudged, that the said defendant John Joyner appear here on or before the third Monday in January next, and answer the Complainant's bill, and that a copy of this order be forthwith inserted in some public newspaper printed in the Borough of Norfolk or Town of Petersburg, for eight weeks successively, and posted at the front door of the Court House of this County on two several Court days. *Teste,*

JAMES ROCHELLE, C. C.

Nov 7 8w3w

I hereby certify, that the annexed Rule in the case in Chancery, Johnney Johnson vs John Joyner and others, has been inserted in the American Beacon, Published in Norfolk, Va., for two months successively, commencing 7th November 1826.

Wm. C. Thilo
for Thomas Robertson

Norfolk Dec'r 1st 1827. Sworn to before me, an Alderman of the Borough of Norfolk, this 1st day of Dec'r 1827.

William B. Lamb

Beaver Office
Sept 5th ~~Jan~~ Feb 15th 1827

Sir

Your letter of 25th ult was rec'd yesterday
We enclose the notary and certificate signed
by the Judge of Johnny Johnson &c. Your draft
bills on Sir Isaac Shall be remitted forthwith
and post you per first conveyance

We are very Respy
Your Obt Servt
Thos J Oakley

John Laynes
Note
To
Johnny Johnson
$20

John Laynes
To Note
Johnny Johnson
$20.

On demand the first Day of May
Next I Promise to pay or cause to be paid
unto Johnny Johnson the Just and full
Sum of Twenty Dollars Good and Lawfull
money of Virginia for Value Received
of him as Witness my hand and Seal
This 9th Day of January 1815

Test

Arthur Fowler

Lemuel Lowe

his
John Jayne Seal
mark

Johann Loyner
to
Johnny Johnson
$100

On demand The first Day of March
Next I Promise to pay or cause to be
paid unto Johnney Johnson the Just and
full sum of One hundred Dollars Good
and Lawfull money of Virginia for Value
Received of him as Witness my hand
and Seal This 9th Day of January 1815

Test

Arthur Fowler

Samuel Lowe

John + Layne mark Seal