

1837-132 SOUTHAMPTON COUNTY
CHANCERY PAPERS

JOYNER

VS. JOYNER'S INFANTS

9/1837

To the worshipful the County Court of
Southampton in Chancery sitting himself
compleaining sheweth unto your worships
your beatrix Margaret Joyner widow
of Henry Joyner dec. that some months
since Henry Joyner of this County depar-
ted this life, seized and possessed of 442 acres
of land, in which Martha Williams of
this County, widow of Ben Williams dec. holds
a dower interest in

That the said Henry Joyner died leav-
ing the following children infants
who are ~~and~~ ^{who are} ~~disseised~~ ^{disseised} in this suit by James Vick
their guardian ad litem - to wit Jacob Joyner
Talbert Joyner, Maria Joyner, Marilla
Joyner, ~~Givra~~ Ann Joyner, Mary Lane Joyner
Silla Joyner, William Joyner, Louis a Joy-
ner - your beatrix ^{further} sheweth that ~~as the~~
~~the~~ widow of Henry Joyner dec. she is
entitled to a dower interest in that
portion of the 442 acres of land aforesaid
^{which} ~~as is not subject to~~ held in dower right
by Martha Williams as aforesaid, where-
fore she prays that your worships would
appoint commissioners authorized to set
apart for her benefit one full and equal
third part of the land and appurtenances
aforesaid not now held as dower by
the sd. Martha Williams -

Your beatrix further sheweth that
in the payment of the debts due by Henry

Wynne Dec. the personal estate of the
sd. Decedent has been entirely exhausted
and for the maintenance of his children
it is necessary to sell the land of which
the sd. Henry Wynne did possess - And
were it not necessary your Orator ~~would~~
~~still deem it to~~ ^{think} would conduce to the interest
of the children to do so, since to divide it
into nine parts (the no. of children) would
tend rather to lessen its value -

Wherefore she prays that your
Worships would appoint Commis-
sioners authorized to sell the remainder
of the land after having set apart her
dower right as aforesaid upon such
as to you may seem best and divide
the proceeds equally among the children
aforesaid -

Your Orator further sheweth
that altho' the personal estate of the sd.
Decedent Henry Wynne has in the payment
of his debts been entirely exhausted, that
there still remains against the estate a
debt of some 50 or 60 Dollars which charges
the land and which by a suit in equity
would subject the land to sale -

Wherefore in order to save the costs which
would necessarily attach to such a suit
and in as much as the debt is justly due
and must be paid, your Orator prays
that out of the sale of the land as before
prayed for for the benefit of the infant legates
aforesaid, your Worships would order
the Commissioners first to pay the bond

which now charges the land and the
remainder distribute equally among the lega-
tes -

Wherefore in consideration of the premises a-
foresaid, and in as much as your Orator is without
remedy save by the intervention of this Court
she humbly prays that your Worships would
grant the relief prayed for, that James Vick
quod ad litem & Martha Williams be made
defendant to this Bill and true answer make to the
allegations therein contained, & that your Worships
will grant such further & general relief as the nature
of the case may require, & for this she ever
prays &c.

French

The Answer of James Vick quod ad litem
admits the truth of the allegations in the
proceeding Bill and offers no objection
to the relief prayed for

Margaret Wynne

vs & Decree

James Vick quod ad litem

This day this cause came on to be heard
by consent of parties upon the Bill, answer &
Exhibits, and was argued by counsel, wherefore the
Court doth adjudge order and decree that
John Davis, Robt. Ricks & John Vick be appointed
Commissioners to set apart for Margaret Wynne widow
of Henry Wynne Dec. one full and equal third part
of the land and appurtenances of which the sd. Henry
Wynne did seise, as her dower right, not including
that portion of it in which Martha Williams
widow of Ben Williams Dec. now holds a dower in
-trust

& also that the w. John Davis Robt Ricks and John Vick
 be appointed commissioners to sell the remainder
 of the land ^{which Henry Dwyer did seized including that part of it} ~~being that part of it~~ ^{but not that subject}
 the lower right of Martha Williams ~~to the lower of~~
 Margaret Dwyer, after having advertised it
 a reasonable time at several public
 places ~~for~~ upon a credit of twelve months
 the purchaser giving ^{bonds with} goods ~~and~~ security, and
 paying at the time money enough to defray
 the expenses of the sale, and the remainder
~~of the purchase money~~ ^{the purchase money} divide in nine equal parts, ^{allotting to each}
 Dwyer $\frac{1}{9}$ to Talbot Dwyer $\frac{1}{9}$ Maria Dwyer $\frac{1}{9}$ Marilla Dwyer
 $\frac{1}{9}$ - Givra Ann Dwyer $\frac{1}{9}$ Mary Jane Dwyer $\frac{1}{9}$ Silla Dwyer $\frac{1}{9}$
 William Dwyer $\frac{1}{9}$ - John Dwyer $\frac{1}{9}$ and holding the same
 subject to the further order of the court and make
 return how they have executed the same.

11

1215

60p

Margaret Dwyer
 vs. { Billie Chancy
 James Vick ^{Exdn}
 ad
 litem

1836 June - Decree filed &c
 • Sept. Report &c

Joyner
n 2 les Decres
Joyner's, infants

for bonny.

Southampton County, June Court 1837.

Margaret Joyner widow of Henry Joyner decd

against

Jacob Joyner Talbert Joyner Mariah Joyner Marcella Joyner Grizzas Ann Joyner & Mary Lane Joyner infants by James Nick their Guardian ad litem Deft^s

Plff^s

In Chancery

This day this cause came on to be heard by consent of parties and was argued by counsel whereupon the Court doth adjudge order and decree that John Davis, Robt. Ricks & John Wick be appointed commissioners ^{who with this office of the County supervisor, who is to be paid out of the fees of the said} to set apart for Margaret Joyner widow of Henry Joyner decd one full and equal third part of the Lands and appurtenances of which the said Henry Joyner decd, seized, as her dower right, not including that portion of it in which Martha Williams widow of Ben Williams decd. now holds a dower interest. Also that the said John Davis, Robt. Ricks and John Wick be appointed commissioners to sell the remainder of the Lands of which Henry Joyner decd seized including that part of it subject to the dower right of Martha Williams but not subject to the dower of Margaret Joyner, after having advertised it a reasonable time at several public places upon a credit of twelve months, the purchaser giving bond with good security and paying at the time money enough to defray the expenses of the sale, and the remainder of the purchase money divide in nine equal parts allotting to Jacob Joyner $\frac{1}{9}$, to Talbert Joyner $\frac{1}{9}$, Maria Joyner $\frac{1}{9}$, ^{Marcella} ~~Marcella~~ Joyner $\frac{1}{9}$, Grizzas Ann Joyner $\frac{1}{9}$, ^{Mary Lane} ~~Sarah~~ Joyner $\frac{1}{9}$, Silla Joyner $\frac{1}{9}$, William Joyner $\frac{1}{9}$, Louisa Joyner $\frac{1}{9}$ and holding the same subject to the further order of the Court and make returns ~~how they have executed the same~~

A copy

Teste L R Edwards Clk

Salis & Divisions
of Henry Joyner de
Lana & Comm.
Report.

Agreeable to an order & decree of Southampton June court. 1837. to divide the Land of Henry Foxne Esq and alot one third to the widow of D Foxne and make Sail of the other two thirds. we the Commissioners John Davis Robert. Pikes & John Vick hath allotted to the widow the $\frac{1}{3}$ and has made Sail of the other two thirds after advertising the Same for one month and obtained for it on a credit of twelve months

	\$	¢	\$	¢
Expence for Decree	10	00	90	00
Surveyors act.	31	48		
Chains & tools act.	7	00		
Commissions	45	00		
retained to pay Recording Report.	1	30		
	\$	94 93	\$	94 93
			\$	805 07

The above ammount of Eight hundred and five dollars & 7 cent. is divided in 9 equal parts & agreeable to the decree making one note payable to each heir all of which is Submitted to this court. by the Commissioners

August. 26/1837 -

John Davis
Robt Pikes
John Vick - -