

1838-120 SOUTHAMPTON COUNTY
CHANCERY PAPERS

JOYNER et al vs. JOYNER

3/1838

See also: Peale etc v. Joyner etc 1838-

other surnames: Peal, Peale

1231

Imperet alius ⁶⁴¹⁷

Lyon

1838 Feb. *Deeres as fipia*

" March. *Sunt desmipet &*

To the Worshipful Court of Southampton sitting in
Chancery. Humbly complaining shew unto your
worships your complainants Thomas Lynner
Eliza Lynner, Mary Jane Peal in right of her mother
who was Lynner & Newton Lynner by Thos Lynner their
next friend. that Matthew Lynner departed this life
some time since possessed of a small tract of
Land. that during his last sickness he published
a nuncupatory will, which at his death was
duly proven and admitted to record by the County
court of Southampton, that said will directed
said lands to be sold, so that out of the proceeds
Newton Lynner his younger son might be made
equal in valuation, with his other children in
property, the balance if any to be equally
divided between those entitled. they therefore
prayer the court to appoint two or more
commissioners to carry said directions into
effect. and do all other things consistent
with equity & the rules of the Court and
they will ever pray -

The Answer of Josiah Lynner to the above
Bill of Complaint.

This Respondent for answer to the
above bill, says that he has no objection
to the decree prayed for. and having answered
says to be hence dismissed -

Loyner & others
vs
Loyner } *In Chancery*

Layner

Loyner & others
vs
Loyner } *In Chancery*

This day this cause was docketed by leave of Court and consent of parties and came on to be heard on the bill and answer and was argued by Council, On consideration whereof the Court doth order, adjudge and decree that Joseph Goyner, John More and Patrick Roe be appointed commissioners of two of whom may act. that they sell to the highest bidder after advertising the time and place of sale for twenty days the land whereof Matthew Goyner died seized. ~~that the~~ ^{they receive} ~~the~~ of the purchaser on the day of sale money enough to pay the cost of this decree, & that they allow a credit of six months for the balance for which they are to take in the first place one bond of an amount that will make ~~the~~ ^{the} Goyner equal in valuation to the property of the other children and assign said bond to the Guardian at Law of Nersin Goyner. and for the balance, if any, take five bonds of equal amounts and assign one to Josiah L. one to Thomas, and one to Eugin Goyner in their own rights, one to Mary Jane Peck in right of her mother who was Goyner. and the other to Nersin Goyner, and report to the Court in order to a final decree.

Joyner &

as } Bill. an. & cleared

Joyner

copy.

To the worshipful Court of Southamptown sitting in Chancery.
 Humbly Complaining Shew unto your Honorships your complainants Thomas
 Joyner, Eleja Joyner, Mary Jane Peale in right of her mother who was Joyner
 & Stevenson Joyner by Thomas Joyner their next friend. That Matthew Joy-
 ner departed this life some time since possessed of a small tract of land
 that during his last sickness he published a municipative will, which at
 his death was duly proven and admitted to record by the County Court of
 Southamptown, that said will directed said lands to be sold, so that out of
 the proceeds Stevenson Joyner his younger son might be made equal in
 valuation, with his other children in property, the balance of any to be
 equally divided between those entitled - they therefore pray the Court to
 appoint two or more Commissioners to carry said directions into effect - and
 do all other things consistent with equity & the rules of the Court - and they
 will ever pray -

The answer of Josiah Joyner to the above bill of Complaint - This respond-
 ent for answer to the above bill, says that he has no objection to the decree
 prayed for, and having answered prays to be hence dismissed,

Southampton February Court 1838

Thomas Joyner, Eleja Joyner, Mary Jane Peale in right of
 her mother who was Joyner & Stevenson Joyner by Thomas Joyner
 their next friend

Diffs.

against

Josiah Joyner

Dft.

In Chancery

This day this cause was docketed by leave of the Court and consent of
 parties and came on to be heard on the bill and answer and was argued
 by Counsel. On consideration whereof the Court doth order, adjudge and
 decree that Joseph Joyner, John Moore, and Patrick Rowe be appointed
 Commissioners, any two of whom may act, that they sell to the highest bid-
 der, after advertising the time and place of sale for twenty days the lands
 whereof Matthew Joyner died seized that they receive of the purchaser on
 the day of sale money enough to pay the costs of this decree, & that they allow
 a credit of six months for the balance for which they are to take in the first
 place our bond of an amount that will make Stevenson Joyner equal in

valuation to the ~~other~~ property of the other children, and assign said bond to the guardian at law of Alverson Joyner - and for the balance if any, take five bonds of equal amounts and assign one to Josiah, one to Thomas and one to Eliza Joyner in their own rights, one to Mary Jane Poole in right of her mother who was Joyner, and the other to Alverson Joyner - and report to the Court in order to a final decree.

Copy Teste J. R. Edwards Clk

Logan Dr,

7 $\frac{3}{4}$ cwt
Logan

March 1838

Thomas Joyner, Elijah Joyner, Mary Jane Pease
in right of her mother who was Joyner and
Stevenson Joyner by Thomas Joyner their next of kin &
Allen Joyner
vs
Elijah Joyner by chry.

This case by consent of parties came
on this day to be again heard on the
papers formerly read, & was agreed by
Court; on consideration whereof
the Court ~~and by~~ by consent of parties,
both agree, order and decree that
~~this suit be dismissed with costs~~
the order made at Tely. Court 1838
be set aside; and with like consent
this suit is dismissed at the plffs costs -