

1843-017 SOUTHAMPTON COUNTY
CHANCERY PAPERS

JOYNER et al VS. WILLIAMS, trustee
val 3/1843

other surnames: Beal,
Scott

Snyder had

v. } Bill

Snyder &c

1245 Mass. Snyder: granted on giv-
ing bond &c.

To the worshipping County Court of Southampton
in chancery sitting

Humblly complaining your complainants Elsie
Joyner, Elijah Joyner, James Joyner, Milly Beal formerly Joyner
and Elizabeth Scott formerly Joyner ^{and Sarah Joyner} shew the court that
Joshua Joyner of Southampton County departed this life in
the present year intestate possessed of real and personal estate
of considerable value in this county that he left his wife
Morah Joyner and his children Elsie Joyner, Elijah Joyner
James Joyner, Milly Beal formerly Joyner, Elizabeth Scott
formerly Joyner, Elly Joyner, Thomas Joyner, and John
Joyner his sons and daughters his legal heirs who are entitled
by law to a distribution of his estate, that the said Joshua
Joyner deceased a short time before his death to wit on the
23rd day of January 1843 executed a deed of trust on all his
household and kitchen furniture his stock of cows six in
number his stock of hogs amounting to sixteen in number
the plantation on which he then resided containing by estimation
sixty two acres of land to James S. Williams as trustee to
secure the payment of certain debts therein mentioned
to wit one note bearing date the 23rd day of January 1843
for seventy five dollars to Thomas Joyner one note to
John Joyner of the same date for seventy dollars and one
note bearing the same date to Elly Joyner for fifty dollars
but the said Joshua Joyner was to remain in possession
of the said property until default made in the payment

of the said debts then the said trustee should proceed to sell at public auction for cash the said property or so much thereof as would be sufficient to pay the said debts after having given ten days notice of the time and place of sale and your complainants farther show to the court that the said Joshua Soyner at the time of his executing the said deed was not of sound mind but that his mind by reason of his bodily infirmities and advanced age was entirely gone and that he was a non compos mentis in every sense of the word at the time of his executing the said deed and your complainants farther show the court that Thomas Soyner, John Soyner and Eddy Soyner were living with him at the time and that they fraudulently prevailed upon him to execute the three aforesaid bonds upon no valuable consideration and then to execute the said deed to secure their payment thereby depriving your complainants who are his other heirs of their just portion of the said property which would have fallen to them had not the said deed been made Your complainants are aware that the said deed is by law wholly null and void but it is of a nature to execute itself in tender consideration whereof and inasmuch as your complainants are wholly without remedy at law and only entitled to relief in a court of equity they pray the court to make James J. Williams trustee Thomas

Soyner, John Soyner, and Eddy Soyner parties defendant to this bill and compel them full and perfect answer make to the allegations herein contained as fully and unceasingly as if they were thereunto particularly interrogated and that the said James J. Williams may be restrained by the injunction of this ^{who as justice requires} ~~honorable~~ court from selling the said property in the said deed mentioned and that the court would by its decree declare the said deed null and void and to grant such other and general relief the premises considered as equity may dictate and the nature of their case may require and as in duty bound your complainants will ever pray &c

Shamoo J. C.

Southampton County Court

This day James Soyner one of the complainants in the above bill personally appeared before me a justice of the Peace for the said County and made oath that he believed the facts and allegations in the same therein alleged and set forth to be true given under my hand this 20th day of March 1843.

Bery Griffin J.P.

Know all men by these presents that we Elisha Joyner James Joyner and Thomas Doyal are held and firmly bound unto Thomas Joyner John Joyner & Ella Joyner in the just and full sum of One hundred dollars to which payment well and truly to be made we bind ourselves our heirs Executors jointly & severally firmly by these presents. Sealed with our seals and dated this 20 day of March 1843.

The Condition of the above obligation is such that whereas Elisha Joyner. Elijah Joyner. James Joyner. Milly Beale formerly Joyner. Elizabeth Scott formerly Joyner. & Sarah Joyner have obtained from the County Court of Southampton an Injunction to enjoin and restrain James & William's trustee in a certain deed of trust executed by Fortuna Joyner to the said William as trustee to secure the payment of certain debts due the said Thomas Joyner. John Joyner & Ella Joyner. from selling the property conveyed by said deed, and therefore of the said Elisha Joyner & James Joyner shall pay & satisfy to the said Thomas Joyner. John Joyner & Ella Joyner all damages which they may sustain by reason of the said Injunction in case the same shall be dissolved then the above obligation to be void or else to remain in full force & virtue.

Seal
Seal
Seal

Southampton Clerks Office March 20/1843.

Thomas Doyal above

named made oath before me that his estate after the payment of his just debts is worth the sum of One hundred dollars. Given under my hand this day & year above.