1869-026 SOUTHAMPTON COUNTY CHANCERY PAPERS

JOYNER et al vs. JOYNER

2/1869

other surnames: Bradshaw, Jones Barham

(560)

Journal
of 3 Bills, and
the decree
of Court

1867 Jany. Decree as filed
" April 1st Report.
" May. Confirmed
1868. Mar. Decree as filed 1st
" April. Decree as filed
1868. Dec. Rept.
1869 Feby. Rept. Confd 1st

To the worshipful County Court of Southampton
in Chancery sitting

Humbly complaining your orators
Barzilla Joyner, Tiberius Joyner, Indiana
Joyner, Wesley & Bradshaw and Mary J
Bradshaw his wife Mason J Jones and Allen
E Joyner show unto your worships that in
the year 18 Matthew Joyner departed this
life leaving considerable estate real and personal
and that his estate has been long since settled
up and his debts paid, that he left a tract
of land lying in Southampton county containing
by estimate 273 acres adjoining the lands of
George Camp and others, Matthew Joyner left
as his heirs and distributees, Barzilla Joyner
Tiberius Joyner and Indiana Joyner children of
Josiah Joyner dec'd a son, Thomas W. Joyner a son who
is dead and devised his interest in his fathers
estate to Newsom Joyner his brother and also
a son of Matthew Joyner who sold all his interest
in his fathers estate including this claim
devised him by T. W. Joyner to Tiberius Joyner
Mary J Bradshaw wife of Wesley Bradshaw
a daughter of Mary Joyner dec'd a daughter, Mason
J Jones a daughter, Allen E. Joyner a son
and Eulalia Joyner daughter of Elijah
Joyner Dec'd a son, your orators state that this
tract of land containing 273 acres ~~of land~~
is all that is left of Matthew Joyners estate
that his estate has long since been settled
and that they desire that this land may
either be divided among the parties entitled

or that it be sold and the money distributed and as they are satisfied that the land cannot be divided them being only one dwelling house and curtilage and as they shares are less than $300 a piece they ask a sale

In Tender consideration whereof and inasmuch as your orators are without remedy in a court of law and only entitled to relief in a court of equity where such matters are peculiarly cognizable they therefore pray that Eulalia Soyaux an infant by some fit and proper person her guardian ad litem appointed for that purpose may be made a party defendant to this bill and compel her as full and perfect answer make to the allegations therein contained as if she had been thereunto more fully and specially interrogated, that the court would decree a sale of the tract of land whereof Matthew Soyaux died seized and possessed containing 273 acres more or less on such terms as to it may seem right and a distribution of the purchase money according to the rights of the parties and that the court would grant such other and general relief the premises consideration as equity may dictate and the nature of their case may require, That the proper process may issue &c and as in duty bound your complainant will ever pray &c

Thanks &c.

Answer of Eulalia Soyaux an infant by L.R. Edwards her guardian ad litem appointed for that purpose to a bill in chancery by Virginia Soyaux &c &c to her

This defendant for answer to the said bill or as much thereof as she is advised it is material for her to answer, answering, says she knows nothing of the allegations of the plaintiffs bill but submits the interests of his ward to this court whose peculiar duty it is to protect the rights of infants and having fully answered prays hence to be dismissed with his costs

Thanks for deft

Journals
for 3 Decr
Journ

To be returned

S Davis

1867 Jany 6th

Joynes &c
vs 3 Decree
Joynes

By consent of parties this day this cause came on to be heard on the bill answer and general replication thereto and was argued by counsel on the hearing whereof the court doth adjudge order and decree that Elliott L Story who is hereby appointed a special commissioner for that purpose shall after twenty days notice by public advertisement at Jerusalem, Franklin and the immediate vicinity of the land proceed to sell on the premises to the highest bidder the tract of land estimated at 273 acres whereof Matthew Joynes died seized and possessed on the following terms to wit sufficient cash to pay the expenses of sale and costs of this suit the balance of the purchase money on a credit of twelve months taking from the purchaser bond with approved security and retaining the title until the purchase money shall have been paid the said bond to be returned to the clerks office with his report

But the said Elliott L Story shall not proceed to act under this decree until he or some one for him shall have executed in the clerks office of this court a bond in the penalty of one thousand dollars with sufficient security conditioned for the faithful performance of this and any other subsequent decree which may be entered in this cause

Joyner

& Zbo: Dienst

Joyner

Southampton County January Court 1867.

Joyner & als.
against
Joyner &c

Pffs
Defts
} In Chancery

By consent of parties this day this cause came on to be heard on the bill, answer and general replication thereto and was argued by Counsel On the hearing whereof the Court doth adjudge, order and decree that Elliott L Story who is hereby appointed a Special Commissioner for that purpose, shall after twenty days notice by public advertisement at Jerusalem, Franklin and the immediate vicinity of the land, proceed to sell on the premises to the highest bidder, the tract of land estimated at 273 acres whereof Matthew Joyner died seized and possessed on the following terms to wit Sufficient cash to pay expenses of Sale and costs of this suit, the balance of the purchase money on a credit of twelve months taking from the purchaser bond with approved Security and retaining the title until all the purchase money is paid the said bond to be returned to the Clerks Office with his report

But the said Elliott L Story shall not proceed to act under this decree until he or Some one for him shall have executed in the Clerks Office of this Court a bond in the penalty of One thousand dollars with sufficient Security conditioned for the faithful performance of this and any other Subsequent decree which may be entered in this Cause.

Clks Costs $5.00 paid

LRE

A Copy.

Test D R Edwards Clk

Journal
as 3 Docs.
Journ

1868 March

Joynn vals
vs Decree
Joynn vals

This day this cause came on again to be heard on the papers formerly made and the report of E.L. Story commissioner appointed to sell the land and was argued by counsel on the hearing whereof the court doth adjudge order and decree that the said report be confirmed and that E.L. Story withdraw the bond filed in this cause and collect the same and on the payment of the same that he convey the said land to the purchaser John F. McClung and report to court in order to a further decree

Joyner ff

to 3 Copy Deeds

Joyner ff

Southampton March Court 1868

Joyner & others
against
Joyner &c

Pffs
} In Chancery
Dfts.

This day this cause came on again to be heard on the papers formerly read and the report of E. L. Story Commissioner appointed to sell the land, and was argued by Counsel. On the hearing whereof the Court doth adjudge, order and decree that the said report be confirmed and that E. L. Story withdraw the bond filed in this cause and collect the same and on the payment of the same that he convey the said land to the purchaser John F. McHenry, and report to Court in order to a further decree.

A Copy

Teste L. R. Edwards Clk

Southampton County Court April Term 1868

Joyner & als:
against
Joyner &c.

Pltffs:
Defts:
} In Chancery

This day this cause came on again to be heard on the papers formerly read and was argued by Counsel; On Consideration whereof the Court doth adjudge, order & decree, that the Commissioner E. L. Story, after collecting the funds as directed in the decree entered at the March Term 1868, of this Court - after paying any additional costs which has accrued, proceed to divide the Money into Seven equal Shares and assign two Shares & one half Share to Tiberius Joyner, one Share and one half Share to Cuthbert D. Barham, one Share to Wesley Bradshaw & Mary J. Bradshaw his wife, one Share to Mason J. Jones and one Share to the Lawful Guardian of Eulelia Joyner.

Clerks Costs $1.80 paid

A Copy
Test: J R Edwards, Clk

Journals
av 3 Deras
Journals
uppläsande
Simms Holmes T.D

1868 April

Joyner et als
vs Decree
Joyner et als

This day this cause came on again to be heard on the papers formerly read and was argued by counsel On the consideration whereof the Court doth adjudge, order and decree that the commissioner E. L. Story after collecting the bond as directed in the decree entered at the March term 1868 of this court after paying any additional costs which has accrued procure to divide the money into 7 equal shares and apign two shares and one half share to Sibbins Joyner one share and one half share to Cuthbert D Basham one share to Wesley Bradshaw and Mary J Bradshaw his wife one share to Mason J Jones and one share to the lawful guardian of Eulalia Joyner

1867. Apl. 1st

In obedience to a decree of the County Court of Southampton made at the January term thereof 1867, in case of

Joyner & als — Pffs
against
Joyner &c. — Deffs
} In Chancery

I proceeded after giving due notice as required by said decree, to sell to the highest bidder on the premises on Thursday the 21st. of February 1867, the land mentioned in said decree, which was purchased by John F. McClenny for the sum of Five hundred and five Dollars ($505.00) he being the highest bidder, and took his note (after deducting Sixty Dollars costs of decree, sale &c. which was paid in cash) for Four hundred and forty five Dollars ($445.00) with James McClenny and J. D. Pittlow securities, with a credit of Twelve months and interest from date, agreeably to directions of said decree, All of which is herewith respectfully submitted.

Sale of land		$505.00
Costs		
Lawyer's fee	$30.00	
Clerk's "	5.00	
My Coms.	19.10	
Taxes for 1865 & 66	5.90	60.00
		$445.00

E. L. Story Comr.

Received 1868 April 15th of the Clk of Southampton County
the bond referred to in the within report

E. L. Story

1867 Apl. 1st

1868 Dec. 3rd

In obedience to a decree of the County Court of Southampton made at the March term 1868 and also a further decree of said Court made at April term 1868, in case of

Joyner & als

against

Joyner &c.

I did proceed to collect the bond mentioned in the first decree, which with principle $445.00/100 and one years interest then due 26 70/100 Dollars amounted to 471 70/100 Dollars, and after payment of said bond executed a deed to John F. McBlenny as directed in said decree. I then in accordance with said second decree, paid out the money so collected as follows: to S. R. Edwards Clerk, his costs $1.80, To Wesley Bradshaw & wife, one share $67 25/100. to Mason J. Jones one share $67 25/100, to Wm. H. Daughtry acting Guard for Eulelia Joyner one share $67 25/100, to Wm. B. Shands atty. for Tiberias Joyner and counsel in the suit two and one half shares $168 10/100 and to E. W. Massenburg atty for E. D. Barham One and one half share $100 86/100 Dollars, the receipts for which are herewith returned, All of which is Respectfully submitted.

E. L. Story Comr.

Notes for Dean

Note for this deed

Tobias Joyce purchased the shares of Thomas W. Joyce and Newson Joyce and half the share of Josiah Joyce, Cuthbert D. Barham purchased the share of Allen E. Joyce and one half the share of Josiah Joyce the other two holds five shares

Caleb Joyner, Jr.
Guard
Rec't.

Recd. Oct. 19, 1868 of E. L. Story Comr. for sale of land of Matthew Joyner dec'd Sixty seven $\frac{25}{100}$ Dollars being the amt. of proceeds of said sale due Eulalia Joyner infant daughter of Elijah Joyner dec'd.

Wm. A. Daugherty,
Act'g Guard'n Eulalia B. Joyner.

Jane M. Jones

Rec'd.

#67 25/100

June 1st 1868 from Elliott S. Story special Commissioner to sell the land belonging to Matthew Joyner dec'd. the sum of Sixty seven 25/100 it being my share of the purchase money decreed to be paid me by the County Court of Southampton.

L. H. Jones

Wesley Bradshaw
Hospe Rict.

April 22nd 1868 Recieved from Elliott L Stony
special commissioner to sell the land belonging
to Matthew Boyne dec'd the sum of sixty eight
dollars and fifty ~~cents~~ it being one share or one
seventh of the purchase money due to
Dr. Price Wesley Broadshaw and Mary J Broadshaw
his wife

Wesley Broadshaw
Mary J Broadshaw

overpaid 1.25

Wm. B. Shands atty
Ret.

April 22nd 1868 Received from Elliott L Story
Special commissions to sell the land
belonging to Matthew Doyne dec'd the sum
of one hundred and eighty ~~forty~~ two dollars
and ~~forty~~ five cents for Tabitha Doyne
it being for two and one half shares of
the Juvelian money decreed to be paid him
by the county court of Southampton

Wm B Shands atty
for Tabitha Doyne and
counsel in the dec'd

E. W. Mallenburg

Atty Ret.

April 22d 1868 Rec'd of Elliott L Slaughter commissioner to sell the land belonging to Mathew Lyons dec'd the sum of One Hundred ~~& ten~~ dollars ~~& 87½~~ 100 per
C D Barham

E W Moseley
atty for C D Barham

February 22nd 1867 Received from Elliot & Sloss Commissioners the sum of $3 in full of fee for obtaining deed for sale of land belonging to Matthew Bryan heirs

Wm B Shands
attorney

Elijah Joyner & Thos. Jones

3.72

Mr Elijah Joyner & Thos. Jones

To SAM'L KELLO, Sheriff of Southampton Co., Dr.

TAXES FOR 1865.

			DOLLARS.	CENTS.
To Taxes on	276	Acres of Land, valued at	1	24
To Taxes on		White Males over 21 years,		
To Taxes on		Income,		
To Taxes on		County Levies,		
To Taxes on		Land, for County purposes,	2	48
To Taxes on		Income, for County purposes,		
			3	72

Received Payment, Feb. 21st 186 7

E. L. Story D. S.

For SAM'L KELLO, Sheriff.

Elijah Joyner &
Thos. Jones. . .

1865 — — 2.18
3.72
5.90

Mr. Elijah Lazarus & Thos. Jones

To SAM'L KELLO, Sheriff of Southampton Co., Dr.

TAXES FOR 1866.

To Taxes on 276 Acres of Land		87
" Taxes on Male Persons over 21 years of age, Personal Property, &c		
" Taxes on County Levies		
" Taxes on Land, ~~Personal Property, &c.~~ levied by County		1 31
		2.18

Received Payment. Feb. 21st 1867

E. L. Story .....*D. S.*

For SAM'L KELLO, Sheriff.

Know all men by these presents that we Elliott L Story.
Warren Edwards & Saml Kello.

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of One thousand _____ Dollars current money of Virginia, to the payment whereof well and truly to be made we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents Sealed with our Seals and dated this 18 day of February A D. 1867

The Condition of the above obligation is such that if the above bound Elliott L Story as Commissioner appointed by a decree of the Circuit Court of Southampton at the January Term 1867 in the chancery suit therein pending between Joyner & als against Joyner

Shall faithfully discharge the duties of his said office or trust according to law, then the above obligation to be void or else to remain in full force and virtue -

Signed, Sealed and delivered in the presence of ~~the Court~~ }
J R Edwards

E. L. Story (Seal)
Warren Edwards. (Seal)
Saml Kello (Seal)
(Seal)