

1872 - 02

Santhampton County - Chancery

Jayner, William et al vs Guse, Patience *Estate*

To settle Estate
pursuant to Will

William Jayner &
Vienna Jayner
his wife

Leah Barrett
Estate of Estate
&
Patience Guse

11

Joynes & Wife to

23 } Papers

Russ Estor

Open Signs *John*

Ref. No. 10

Thos. Grayson.

Fig 1a up & red no fields

Joyner & Bill
Mus. 1861

1861 April Rules

996 words

To the Hon Richard H Baker Judge of
the Circuit Court for the County of
Southampton In Open Court
Humbly complaining sheweth
unto your Honor your complainant
William Joyner and Lillian his wife,
Thomas Joyner and Susan Joyner
that some years since Patience Nease
of the said County, died after having
made and published her last will and
testament which was duly admitted
to probate at the term 18 of
the County Court of Southampton
and David Bennett the Executor
therein named gave bond and qual-
ified according to law. That by her
said will the said Patience Nease gave
various legacies to persons therein
named and then bequeathed the balance
of her property to your complainant
Lillian Joyner for life and after her
death to your complainants Thomas
& Susan Joyner the children of the said
Lillian all of which will appear from
a copy of the will herewith filed marked
(A) and prayed to be taken as a part
of this bill. That the said William
Joyner and Lillian his wife hereby do

dated the day of 186 now of re-
cord in the Clerk's office of Southampton
County, printed and released to the said
Thomas and Susan Joyner all the
right title and interest of the said
Clement Joyner in and to the said
legacy and the said will as will
appear from a copy of the said ~~will~~
be taken as a part of this bill.

That the testator left considerable estate
much more than sufficient to pay
all her debts and legacies which came
to the hands of her said Executor and that
there is now due to your complainants
a considerable sum as the residuary
legacies. But that the said Executor
has falsely and fraudulently pretended
that there was no residue of the said
estate to which they were entitled al-
though he well knew the contrary
they to be true. In answer consid-
eration of all which and in as much as
your complainants are without reme-
dy in the premises except in a Court
of Equity where matters of this kind are
alone cognizable to the end therefore that
justice may be done, they pray that

Baris Barri Executor of Patience
Ness may be made a Defendant to this
bill and answer the allegations thereof
under oath, that a commission of the
Court may be directed to settle an account
of the transactions of the said Barri as
the Executor of Patience Ness and that
the balance due thereon may be paid to the
complainants Thomas & Susan Joyner, and
that the Court will grant such other
and general relief in the premises as
Equity may dictate and as in due Court
they will ever pray so may it please the
Court so

Charles D. Messersburg
Attys for Pliffs

Joyner

2 } Exhibit with bill

Russ Ewer

A. Y. B.

In the name of God Amen. I Patience Reese of the County of Southampton in the State of Virginia being in Sound Mind and Memory do make this my last Will and Testament in the following manner to wit:

Item 1st: I give to Margaret Jane Whitfield the Daughter of Benet H. Whitfield the Sum of Fifty dollars to her and her heirs forever.

Item 2^d: I give to Patience Ruth Vick the Daughter of Willis Vick and Martha his Wife the Sum of fifty dollars to her and her heirs forever.

Item 3^d: I give to Margaret Ann Vick the Daughter of Mills Vick and Dorothy his Wife the Sum of one hundred dollars to her and her heirs forever.

Item 4th: I leave to Vienna Jagers the Wife of William Jagers the balance of Money that may be left after the three legacies already given that includes what money I have in hand and what is due me by interest during her natural life and after her death I give the same to her two children namely Robert Thomas Jagers and Susanna Jagers to them and their heirs forever.

Item 5th: I want all my property that I have except my wearing clothes sold, my just debts paid and the balance left to be equally divided between the daughters of Edmund Vick deceased namely Lydia Vick, Vienna Jagers and Elizabeth Vick.

Item 6th: I give my wearing apparel to Vienna Jagers to her and her heirs forever.

Item 7th: And lastly I hereby make and appoint my friend Davis Barnett my Executor to this my last Will and Testament revoking all former Wills by me made and acknowledging this to be my last Will and Testament given under my hand this 23rd day of August one thousand eight hundred and Forty four.

Signed sealed and delivered
in the presence of

Davis Barnett

Richard J. Vick

Christian Jordan

Patience Reese

Seal

At a Court held for the County of Southampton on the 21st day of October 1844.
This last Will and Testament of Patience Reese was proved by the oaths of Davis Barnett and Richard J. Vick two of the subscribing witnesses thereto and ordered to be Recorded and make Motion of Davis Barnett the Executor herein named who made oath and together with Benjamin J. Barnett & Davis Bryant his securities entered into and acknowledged a bond in the

personality of two thousand dollars conditioned as the law directs. Certificate is granted him for obtaining a probat of the said Will in due form.

Teste L. R. Edwards, Ck

I know all true by these presents. Whereas by the last Will and Testament of Patience Buss of record in the Clerk's Office of Southampton County, she bequeathed to Vienna the wife of Wm. Jeynes a certain sum of money, now in the hands of Davis Bannet, the exec of Patience Buss, and at her death to Thomas and Susan Jeynes, this deed witnesses that for and in consideration of the natural love and affection, (as well as the sum of One dollar) which Wm. Jeynes and Vienna his wife have to their children, Thomas and Susan Jeynes, hereby grant assign and convey to the said Thomas and Susan Jeynes, all their right title and interest, to the legacy above mentioned. In testimony whereof the parties hereunto set their hands and seals this first day of January A.D. 1861.

William Jeynes

Seal

Vienna Jeynes

Seal

Southampton County to Wit:

We John E. Briggs and John W. Harrison justices of the peace for the County aforesaid in the State of Virginia do certify that Vienna the wife of William Jeynes whose names are signed to the writing above bearing date on 1st day of January 1861, personally appeared before us in the County aforesaid and being examined by us privately and apart from her husband and having the writing aforesaid fully explained to her. She the said Vienna Jeynes acknowledged the said writing to be her act and deed, and that she had willingly executed the same and does not wish to retract it. Given under our hands and seals this 1st day of January 1861,

John E. Briggs J. P. Seal

John W. Harrison J. P. Seal

Southampton County to Wit:

John E. Briggs a justice of the peace for the County of Southampton do certify that Wm. Jeynes whose name is signed to the above writing acknowledged the same before me as his act and deed. Given under my hand this 1st day of January 1861.

John E. Briggs J. P.

Southampton County, in the Clerk's Office Jan'y 21st 1861,

This Deed of Gift was presented and together with the certificate of the acknowledgment of William Jeynes a party thereto, and of the private examination and acknowledgment

of Vienna Jeynes, his wife, also a party thereto, admitted to Record.

Teste

L. R. Edwards, Ck

Copied

Teste

L. R. Edwards, Ck

Soymer uals
as 3
Reese an^r

Answer of Davis Barnett

1868 May 2nd

To The Honorable Richard C. Baker judge of the
Circuit Court of Southampton

The answer of Davis Baintt executor of
Patience to a bill in chancery by William Joyner and
wife and others vs him

The defendant for answer to the said bill
or as much thereof as he is advised it is material
for him to answer, answering says he has never
had any concealments or made any fraudulent
representations as to his management or the amount
of money due the complainants from the said estate
This defendant states that in October 1844 he qualified
as executor of Patience Reese and he herewith files
a certified copy of his account current taken from
the clerk's office of Southampton County marked A
and prayed to be taken as a part of this answer by
which there was a balance of principal and interest
due the estate on the 31st of December 1846 of
\$1054.37^{cts}, that by the will then special legacies
were left and this defendant gave them off
amounting to the sum of \$226.26^{cts} which left a
balance of \$828.11^{cts} due Wm Joyner and Vienna his
wife as residuary legates. This defendant answers
further that the reason why he retained this money
at all was that Wm Joyner and Vienna his wife
who were very poor and needy and who ~~were~~
were entitled to this money for their lifetime or at
least the lifetime of Vienna were unable to give
him a refunding bond.

This defendant herewith files receipts given
by William Joyner the husband of Vienna and
who by law could receive a legacy left to his wife

voluntarily for life or in fee by which it will appear
he has paid the sum of \$698.51cts (the said receipts
marked B) he also files a bond (marked C) given to
him by Wm Joyner for \$346.78cts due the 31st of
December 1858 and a bond from the same (marked D)
for \$34.91cts due 31st December 1860 which he states
to be a payment for money advanced to Joyner in
part payment of this legacy to his wife and should
be allowed as a part payment. The amount of principal
and interest due the 31st December 1860 is \$1526.02cts
The amount paid \$1137.86cts leaving a balance of
\$374.76cts which this defendant is ready to pay at
once. This defendant states he believes a payment
made to the life tenant by an executor is a payment
to the remaindermen, that Wm Joyner and Vienna
his wife were very poor and with a large family
of children and that the money for which this
bond of \$346.78cts was given them to purchase a
tract of land on which to live and rear their children
and he would not have made any advances had
he not been supposed it was to be made in
part payment of this legacy, and was that he
has paid that sum of money to the said Joyner
for his wife. And this defendant being fully
advised prays leave to be dismissed with his
costs etc

Shanda J. Cl

Southampton County to wit: Circuit Court Clerk's Office April 17 1861
This day David Barnett
personally appeared before me and made oath to the
truth of the above answer

L R Edwards Clerk

Wm. Joiner

To \$ Note

Davis Barnett

\$ 149.05c

Rec'd. Decr. 31st 1849 of Lewis Barrett Esqr. of
Patience Reese dec'd. the sum of One hundred
and forty nine dollars and five cents for the
Int on \$828.11 from Decr. 31st 1846 which
Interest was bequeathed by the said Patience Reese
dec'd. agreeable to last will & Testament
Teste

William Sawyer

Henry B. Low.

William Joyner
Recd.

Recd. December 31st 1860 of Harris Barrett Esq.
of Patience Reese decd. the sum of One hundred
and Two dollars 34/100 for the Interest on
a legacy left by the last will & Testament
of said ~~Patience~~ Reese decd. for the years
of 1859 & 1860

William Ingner

Recd. Dec. 31st 1850 of Davis Barrett Esqr. of
Patience Reese decd. The sum of Forty nine
dollars and 68/100 for the Int. on \$828.11 for
one year which Int. was bequeathed by the said Patience
Reese decd. agreeable to her last will & Testament
William Jaynes

Recd. Dec. 31st 1851 of Davis Barrett Esqr. of Patience
Reese decd. The sum of Forty nine dollars and 68/100
in full for the Int. on \$828.11 for one year
which Int. was bequeathed by the said Patience Reese
decd. agreeable to her last will & Testament
William Jaynes

||||||

William Joyner

3 20 note

Davis Barrett Exr.

C

Am due and The 31st day of December next I promise to pay
unto Harris Barrett Exor of Patience Reese decd. The
Sum of Three hundred and forty six dollars $\$346.00$
for Valued Recd. for the true payment of which I bind
myself my heirs &c firmly by these presents writing
my hand and seal this 21st day of Sept^r 1858
William L. Lynam seal

Recd. September 21st-1858 of Davis Barrett Esq. of
Patience Reese decd. the sum of Three hundred and forty
Seven dollars seventy six Cents for the Int. on \$828.11 from
The 31st day of Decr. 1851 to the 30th day of Decr. 1858 which
Interest was bequeathed by the said Patience Reese decd.
agreeable to her last Will and Testament.

William Gayner

William Joyner

3 To note

David Barrett Esq

DD

On demand with Int. from date I promise to pay
or Cause to be paid unto Haris Barret Esq. of
Patience Reese decd. The sum of fifty four
dollars & Ninety six cents (\$54.96) for Value
Recd. for the true payment of which I bind
myself my heirs &c. firmly by these presents
witness my hand & seal this 31st day of Decr 1860

William Jayne Reese

Coynes & Wife d^o

7. } Stat. Rules

Russ & Son.

639
72
76
120
111
36
72
42
108
186
1552

In Southampton Circuit Court

William Joyner & Vienna his wife, Thomas Joyner & Susan Joyner
against
Davis Barrett Executor Patience Russ

1861 Feby. 19. Summons issued 1^o

" March R. Sum. ret. Executed. Bill filed by D. Russ v. Deft.

" April . Bill taken for confessed & cause set for hearing.

" May J. Devereux for and.

18

1871 May J. Devereux & Barrett &

Joyner & Wife
& { Sum Chy

Russ Gro

1861 March Rules

Executed July 26th
1861. by delivering
Davis Barneth a
Copy of the within
summons.

Chas W. Webb
Shff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *David Barrett Executor of Patience Russ*

to appear at the Clerk's office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *March next*, to answer a bill in chancery exhibited against *him* in our said Court by *Wm Joyner & Vincent his wife Thomas Joyner & Susan Joyner*

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *19th* day of *February* 1861, in the *85th* year of the Commonwealth.

L.R. Edwards

Account Current of
Patience Rasc's Est.

Alcopy

A

The Estate of Patience Reed dec.
In account with David Barrett Executor.

			Dr	Cr	Int.
1844					
Oct.		By cash found in the house		5 38	
		To paid Rev. Benj. Devany	2 00		
23		By amount of note to John Margrand		541 00	
		" " Note to Same		18 71	
		" " Note to Executor		108 50	
		To paid Nathl R. Blom. Crer.	1 00		
Dec	18	" " Samuel Whitehead for Coffin	7 00		
	30	" " Robert S. Barnes appraised	1 00		
		" " Same account	4 67		
	31	" " Tho. B. Corvill appraised	50		
		" Commissions on \$668.59	33 43		
		" Balance due Estate	618 99		
			668 59	668 59	
1845					
Jan'y	31	By balance due the Estate brought down		618 99	
	23	To paid R. E. & H. P. Pope ac't.	75		
		By amt. Balance note to Sally Johnson		39 82	
	28	To paid L. P. Nicholson ac't.	25 00		
Feb'y	7	" " Richd J. Dardens appraised	1 00		
March	11	" " John W. Neale ac't.	1 31		
April	21	By amt. of note to Mills & Gray & others		48 82	
	23	" amt. Sales due this day		79 89	
July	29	" amt. Note to Joshua Johnson		8 68	
October	3	To paid Patience Vlek for Receipt	20 00		
		" " Christian Jordan " "	10 00		
		" " 2 Clerks tickets	2 37		
Dec	13	By amt. balance note to John Thorp		164 71	
		To Com. on \$341.92	17 09		
		By Int. on bal. of 1844 One year			37.14
		Balance due Estate	883 39		
			960 91	960 91	
1846					
July	31	By balance due the Estate bro't down		883 39	37.14
	20	To paid Ridley & Goodwyn ac't.	5 00		

			36	26					
		By amt. note to Jacob Barnes				105	95		
		" " note to Jacob Jordan				5	64		
		Amounts carried forward	41	26	994	98	37.14		
1846		Amounts brought over	41	26	994	98	37.14		
Nov	11	to Paid Patience Vick acct.	6	00					
		Christian Jordan	2	25					
	13	By amt. note to Mills & Gray				3	00		
		" " balance note to same				36	20		
		" " balance note to Jacob Williams				1	31		
		to Paid John Hargrave acct.	10	15					
		" " Jacob Barnes & Tho D Worrell Comrs.							
		for making up this acct.	2	00					
		amt. retained for Clerk	2	00					
		Commissions on \$152.10	7	60					
		By Int. on balance of 1845 one year					53	00	
		balance due the Estate	964	23					
			1035	49	1035	49			
		balance due the Estate brought down			964	23			
		Amount interest brot. down			90.14				
Dec	31	By balance due the Estate			1054.37				
		with Interest on \$964.23 paid till paid							

Respectfully Submitted to the Court

Jacob Barnes Comr
 Tho D Worrell Comr.

At a Court held for the County of Southampton on the 19th day of April 1847.
 This Account of David Barrells Executorial proceedings on the estate of Patience Russ dec^d
 was returned and ordered to lie on Term for exceptions. And at a Court held for the County aforesaid
 on the 17th day of May 1847 the said account having lain on Term and no exceptions being
 filed was confirmed and ordered to be recorded.

Teste. J. R. Edwards Clk
 Attest. J. R. Edwards Clk

Joyner & Brainer
Mus. Engrs

May Co. 1861.

To be entered

R. H. Baker

Paynes &c

a

Nurse Esq

Esq

This day this cause came on
to be heard on the bill answer application
therein and exhibit and was argued by
counsel on consideration whereof the
court doth adjudge over and decree that
one of the commissioners of this court
shall state and report the following ac-
count, an account of the transactions of
the Defendant agent of Patient Nurse
taking the account filed with the Defen-
dant answer as prima facie correct but
liable to be contradicted and falsified by
the Plaintiffs, and an account of the amount
now due from the Defendant as Executor
of Patient Nurse to the Plaintiffs, with
any matters specially stated deemed nec-
essary by himself or which he may be
required so to state by any of the parties.

John Smith

Mr. } Deane,

Russell & Co.

To be entered

May 26. 1871.

Geo. B. Stoddard

Consented

Chas. B. Stoddard

Shant -

Logan

as

Russ. now.

This way this case came on the
hands on the paper formerly read, and the
points making, a further statement of Leon
Barrett. From which as Geo. of Potomac River.
The Court ^{by consent of parties} with advice and assent.
that Leon Barrett, Geo. of Potomac River, out of
his own estate pay to the Plaintiffs, Thomas
Logan and Susan Hynes, the sum of \$346.26
with interest thereon from Dec 31st 1860 till
paid, and this order by them in this authenticated.
and which is referred to the Depts. to work
for further relief, if this assent should prove
invaluing.

and the Court with further assent, that the
Court, advise to the Depts. Thomas & Susan
Logan, the bond marked, to L.D. against
William Logan, filed by the Depts. Barrett,
with his assent, as their property.

Hyman & Wife }
do }
Rexs Row

Order To Remove Case
from the Docket.

~~to be~~ Ct. 1871
to be entered.
Geo Blod.

1
JAMES W. B. B.

Runes down

Nothing further appearing, & he
done in this cause, it is ordered to
be removed from the docket.