

1872-04

Southampton County - Chancery

Jaynor, Charles M. vs

Deless, Robert M. Adm'r
etc.

" See Will Estate &
To Sundry Judgment "

Charles M. Jaynor +
Wm. L. Jenkins

Robert M. Deless +
S. S. Deless Adm'r
estate of
M. Bradshaw
W. W. Brigg - Shigg.
Ludlow Larned.

H3. 63

Joynes & Jenkins
v } Papers

Dols &

I William B Shames an attorney practicing
in the circuit court of Southampton do
certify that in my opinion there is sufficient
matter for removing the judgment complained
of in the foregoing petition

Shames p. 5.

Attest
My signature is W. B. Shames
for a signature

To the Honorable George Blount Judge of the
Circuit Court of Southampton County in
Chancery sitting

The petition of Charles M Joyner and
Mr H Jenkins respectfully represent that they
are aggrieved by the refusal of Joseph W
Ingham judge of the county court of
Southampton sitting in chancery to grant
them an injunction against Mr W Briggs
to prevent him from selling their land
and to give them the relief prayed for in
their bill filed before him at the March
term of the county court of Southampton
wherein they are plaintiffs and Mr W Briggs
sheriff of Southampton Ludlow Lawrence
Robert M Dole and D. L. Dole adms. of Moravian
Bradshaw ^{are defendants} a transcript of the record in the
case is here presented by which it will be
perceived that the case is as follows. That Charles
M Joyner owned a tract of land in Southampton
ever since 1838 containing some 500 acres
that in December 1849 he sold to Mr H Jenkins
some 200 acres of it for \$1,000 and placed
him in possession, that Jenkins paid some
\$370 of the purchase money and Joyner now
holds his bond for the residue, that sometime
since an execution issued against Charles
M Joyner in favor of R M Dole and that
he filed an inventory with the sheriff of
Southampton under the Homestead law in
which among other things, after the property

had been appraised he claimed the 360 acres
residue of the land after selling the 200 acres
to W. H. Jenkins

That this execution was issued on a judgment
obtained against Charles M. Joyner at the June
term 1868 for \$500 with interest from the 7th
of January 1861 and this judgment was not
docketed until the 17th of January 1870

That at the September rules 1870 R. M. Dole
instituted a suit in chancery in the county court
of Southampton against Charles M. Joyner to subject
the said 360 acres of land and praying that it
might be sold to satisfy his judgment lien
and though Wm. H. Jenkins had purchased 200
acres of this same land and had been in possession
from the time of his purchase he was not
made a party to the suit, a commissioner made
a report in the case showing three judgments
against Charles M. Joyner one in favor of
Gudlow Lawrence for \$211.07^{cts} one for \$807.92^{cts}
in favor of R. M. Dole and one for \$11.21^{cts} in
favor of Bradshaw's administrator and upon that
report the court at its February term 1871 decreed
that the sheriff of Southampton should sell
the said land to pay the debts, that the
sheriff advertised to sell the said land on the
22nd of March 1871 and at the March term 1871
of the said court Charles M. Joyner and Wm.
H. Jenkins filed their cross bills asking that
the court would enjoin the said sheriff from
selling the said land, that the court would
set aside the said 360 as a homestead for

Charles M. Joyner he being both a householder
and head of a family and that R. M. Dole be
perpetually enjoined from selling the 200 acres
of land purchased by Wm. H. Jenkins from
Charles M. Joyner or in any way disturbing
his title thereto which injunction the judge
refused to grant, Your petitioners assign the
following errors in the judgment of the court
That Wm. H. Jenkins having purchased the said
200 acres of land of Charles M. Joyner on the
23rd of December 1869 without notice of R. M. Dole's
judgment and the said R. M. Dole not having
docketed his judgment within twelve months after
its rendition or ninety days before the conveyance
his purchase is valid and binding against
all parties and he holds it clear of the said
R. M. Dole's judgment lien, and Charles M. Joyner
having taken the necessary steps before the
decreed sale and before the court to assert his
claim of homestead to the 360 acres residue
of the land the court ^{could} not direct or decree
a sale of this 360 acres until it had decided
that Charles M. Joyner had no claim to homestead
in the said land a question which the
court did not decide or consider but simply
by refusing the injunction refused to
consider their claims at ^{all} in that forum and
for the said errors they pray a writ of
superiority to the judgment aforesaid

Joyner vs Jenkins by
Shanes Their counsel

Coynes & Jenkins

v } Supersedeas

Dols &

1871 November Term

Executed.

W. W. Briggs

The Commonwealth of Virginia

To the Sheriff of Southampton County Greeting

We command you that from all further proceedings on a judgment or decree of the County Court of Southampton County rendered on the 21st day of March 1871 in a Suit in Chancery therein pending in which Charles M. Joyner & W^m H. Jenkins are plaintiffs and W. W. Briggs Sheriff of Southampton, Ludlow Lawrence, Robert M. Dole, & D. L. Dole admors of M. Bradshaw are defendants, you altogether supersede, which judgment or decree before the Judge of our Circuit Court of Southampton County for cause of error in the same to be corrected on the petition of the said Charles M. Joyner & W^m H. Jenkins we have caused to come, they the said Charles M. Joyner & W^m H. Jenkins having given bond and security to pay and satisfy the judgment or decree aforesaid in case the same be affirmed or the Supersedias dismissed and also pay all damages, costs and fees which may be awarded against or incurred by them. We also command you that you give notice to the said W. W. Briggs Sheriff of Southampton, Ludlow Lawrence, Robert M. Dole & D. L. Dole admors of M. Bradshaw that they be before the Judge of our said Circuit Court at the Courthouse on the first day of the next November Term thereof to have a re-hearing of the whole matter in the judgment or decree aforesaid contained. And have then there this Writ.

Witness Omin White Clerk of our said Court at the Courthouse
the 23^d day of May 1871, in the 95 year of the Commonwealth

O. White Ck

Southampton Circuit Court Clerk's Office May 1871

The within bond was acknowledged by the obligors thereto and
the securities made oath that their joint estates after
the payment of all their just debts and all exemptions by law including the homestead exemption, are
worth Sixteen hundred dollars the sum of said bond. Given under my hand this day
and year above.

Deputy
Clerk
J. J. Bond

Know all men by these presents that we Charles M Joyner, W^m St. Jenkins M M Clayton & Jas. T. Borden are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Sixteen hundred dollars, to the payment whereof well and truly to be made to the said Commonwealth we bind ourselves our heirs executors and Administrators jointly and severally firmly by these presents Sealed with our seals and dated this 23 day of May A.D. 1871

The Condition of the above obligation is such that whereas the Judge of the Circuit Court Southampton County on the 11th day of May 1871 on the petition of Charles M Joyner & W^m St. Jenkins did award a writ of Supersedeas to a judgment or decree of the County Court of Southampton County rendered on the 21st day of March 1871, in a Suit in Chancery depending in the said County Court in which the said Charles M Joyner & W^m St. Jenkins are plaintiffs and W^m W. Briggs Sheriff of Southampton, Ludlow Lawrence, Robert M Dole & D L Dole admors of M Bradshaw are defendants upon the said Charles M Joyner & W^m St. Jenkins or some one for them, entering into bond with good security in the penalty of \$1600- conditioned according to law. Now if the said Charles M Joyner & W^m St. Jenkins shall perform and satisfy the judgment, decree or order of the said County Court in case the same be affirmed or the supersedeas aforesaid be dissolved; and also pay all damages costs & fees which may be awarded against or incurred by them then the above obligation to be void or else to remain in full force and virtue

Charles M Joyner (Seal)
William St. Jenkins (Seal)
M. M. Clayton (Seal)
James T. Borden (Seal)

Southampton Circuit Clerk's Office May 23rd 1871

The above bond was acknowledged by the obligors thereto & M M Clayton & J. T. Borden made oath that their joint estates after the payment of all their just debts and the exemptions allowed by law including the homestead exemption are worth the sum of sixteen hundred dollars as they verily believed

Teste, James R. Tyler, C. C.

Be it remembered, that at County Court for the County of South-
ampton held at the Courthouse thereof on the twenty first day of March
1871. came Charles M Joyner and Wm St Jenkins by their Counsel and
filed their bill in chancery against Wm W Briggs Sheriff of Southampton,
Ludlow Lawrence, Robert M Dols and D L Dols admors of M.
Bradshaw decd. in the following words to wit-

"To the honorable Joseph W Urquhart judge of the County Court of
Southampton, in chancery sitting.

Humbly complaining your Orators
Charles M Joyner and Wm St Jenkins shew unto your Honor that Charles
M Joyner being seized in fee simple of a tract of land lying in Southampton
County which he has owned since 1858, containing some 560 acres, more
or less in December 1869 sold unto Wm St Jenkins some 200 acres of the
same as will appear by a certified copy of the said deed of record in the Clerks
Office of Southampton which is herewith filed and prayed to be taken as a part
of this bill marked A. That the said Wm St Jenkins gave for the said land \$1,000
that he has already paid some \$560 of the purchase money and that Charles
M Joyner holds his bond for the residue of the purchase money That sometime
since there was an execution issued against Charles M Joyner in favor of R. M.
Dols and that he filed an inventory with the Sheriff of Southampton under
the Homestead Law in which among other things after the property had been
appraised he claimed the 360 acres residue of the land after selling 200 acres
to Wm St Jenkins, all of which will more fully appear by certified copies of the
inventory, judge Urquharts order, the returned appraisement and Charles M
Joyners' selected list herewith filed marked B, and prayed to be taken as a part
of this bill and that the question as to the homestead is now pending and unsettled
as to this very land-

Your Orators further shew that R. M. Dols obtained a judgment against

Charles M Joyner at the June Term 1868 of the County Court of Southampton for \$500- with interest from the 1st of January 1861 and costs and that this judgment was not docketed until Jan. 17 1870. - Your Orators state further that at the September Rules 1870 R. M. Dols instituted a suit in Chancery in the County Court of Southampton against Charles M Joyner to subject the aforesaid 560 acres of land to his judgment lien and praying that it might be sold for that purpose and though Wm H Jenkins had purchased 200 acres of the same and was in possession he was not made a party to the suit. under an order for that purpose the Commissioner made a report in the said case showing three judgments against the said Chs. M Joyner, one in favor of Ludlow Lawrence for \$211.07 ct: one in favor of R. M. Dols for \$807.92 ct: and one in favor of D. L. Dols admr & of Mordecai Bradshaw for \$60.21 ct: and on the said report the County Court at the February Term 1871 decreed that Wm W Briggs Sheriff of Southampton should after thirty days sell the said 560 acres of land for sufficient cash to pay expenses of the sale and the balance of the purchase money on a credit of one, two and three years equal annual instalments all of which will more fully appear by certified copies of the said bill, Commissioners report and decree of the February Term 1871 herewith filed marked C. and prayed to be taken as parts of this bill. That Wm W Briggs Sheriff as aforesaid in pursuance of the said decree has advertised to sell the said land on the 22^d of March 1871. all of which is contrary to law and equity as your Orators humbly conceive for Wm H Jenkins having purchased the said 200 acres of land on the 23^d of December 1869 from Charles M Joyner without notice of the said R. M. Dols judgment and the said R. M. Dols not having docketed his judgment within twelve months after its rendition or ninety days before the conveyance, his purchase is void and binding, and he holds the said 200 acres of land clear of the said R. M. Dols judgment lien. and your orator Charles M Joyner having already taken the proper steps before the Court to assert his claim to the 360 acres of land residue of the said 560. acres as a homestead he being both a householder and head of a family, it becomes necessary to file this

bill to protect your orators. In Tender consideration whereof and inasmuch as your Orators are without relief at law and only entitled to relief in a Court of equity where such matters are peculiarly Cognizable they therefore pray that Wm W Briggs Sheriff of Southampton, Ludlow Lawrence, Robert M Dols and D. L. Dols admr. of M. Bradshaw dec: may be made parties Defendant to this bill and that the Court would compel them as full and perfect answer make to the allegations therein contained as if they had been thereunto more fully and specially interrogated. That the Court would injoin Wm W Briggs Sheriff of Southampton from selling the said 560 acres of land and that the Court would set aside the 360 acres of land to Charles M Joyner as a Homestead for which he had taken the initiatory steps, he being a householder and head of a family, and the said R. M. Dols perpetually enjoined from selling the 200 acres of land purchased from Charles M Joyner by Wm H Jenkins or in any way disturbing his title thereto. and that the Court would 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 orators will ever pray &c

Southampton County to wit

Shands Jp. g

This day Charles M Joyner and Wm H Jenkins personally appeared before me, a justice of the peace for the said County and made oath that the facts set forth in the above bill are true to the best of their knowledge and belief. Given under my hand this 20th day of March 1871.

J. E. Rowe Jp.

The following are the exhibits filed with the foregoing bill.
Exhibit A.

This Deed made the 23^d day of December in the year 1869 between Charles M Joyner and Martha A Joyner his wife of the first part and William H Jenkins of the second part, all the County of Southampton and State of Virginia. Witnesseth.

that in the consideration of the sum of One thousand dollars in hand paid or secured to be paid unto the said Charles M Joyner by the said William Jenkins the said Charles M Joyner and Martha A Joyner his wife doth grant unto the said William A Jenkins all their right title and interest in and to a certain track or parcel of land containing by estimation two hundred acres (200) be the same more or less, it being a portion of the Willis Eley tract of Land and bounded as follows. Commencing on the road on James G Jones line thence along the said line until it strikes a deep branch, thence along said branch to James T Borden's line, thence along James T Borden's line until it strikes Jesse B Johnson line, thence along said line to a white oak at Tuckerswamp Church on Richard S Boykins line, thence along said line to the Broad water road and down said road to the beginning. The title to said land we warrant and forever defend. Given under our hands and seals this the day and date above mentioned.

Charles M Joyner (Seal)
Martha A E Joyner (Seal)

State of Virginia, Southampton County to wit.
We William A Bradshaw and Willis Bradshaw Justices of the Peace for the County and State aforesaid do certify that Martha A Joyner the wife of Charles M Joyner whose names are assigned to the writing above bearing date on the 23^d day of December 1869, 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 Martha A Joyner acknowledged the said writing to be her act and declared that she had willingly executed the same and does not wish to retract it. Given under our hands this 23^d day of Decr 1869.

Wm A Bradshaw JP
Willis Bradshaw JP

Southampton County to wit.

I Wm A Bradshaw Justice of the Peace for the County aforesaid and State of Virginia, do certify that Charles M Joyner whose name is

signed to the writing above bearing date on the 23^d day of December 1869, acknowledged the same before me in my County aforesaid. Given under my hand and seal this the 23^d day of December 1869.

Wm A Bradshaw JP

Southampton County In the Clerks Office February 21 1870.
This deed of bargain & sale from Charles M Joyner and Wife to William A Jenkins was this day received and together with the Certificates thereto annexed of the acknowledgment of the said Charles M Joyner before a Justice of the Peace, and of the private examination and acknowledgment of the wife before two Justices, admitted to Record. A stamp of the internal revenue of the United States to the amount of One dollar being affixed thereto and duly Cancelled.

Teste Jas W Tyler WC
Hespy Teste, Edwin White CC

Exhibit B.

The Commonwealth of Virginia To the Sheriff of Southampton County Greeting.
We command you that of the goods and chattels of Charles M Joyner surviving obligor of E. L. Eley & D. H. Joyner. late in your bailiwick you cause to be made five hundred dollars with legal interest thereon from January 7th 1861 till paid which Robert M Dole, lately in our County Court of Southampton County has recovered against them as well for a certain debt as for interest thereon also the sum of seven dollars and 34 Cents which to the said Dole in the same Court were adjudged for his costs in that suit expended whereof the said Joyner surviving obligor is correct as appears to us of record, and how you shall have executed this writ make known at the Clerks Office of our said Court at the rules to be holden for the said Court on the first Monday in December next and have them there this Writ.
Witness Edwin White Clerk of our said Court at the Court house, this 7th day of September 1870 in the 95th year of the Commonwealth.

Edwin White CC

Sheriff's Endorsement & Return - Came to hand September 8. 1870 - at
9 O'clock AM. W W Briggs Sheriff
Return - "I leaved on the property herein returned and C. W. Joyner claimed
the benefit of the homestead - W. W. Briggs Sheriff."

To William W Briggs Sheriff of Southampton County - Sir,
You are
hereby notified that by virtue of an Act approved the 27th of June 1870 pre-
scribing in what manner and on what terms a householder or head of a family
shall set apart and hold a homestead and personal property for benefit of himself
and family exempt from sale for debt, that I hereby file my inventory under oath of
all personal and real estate at this time owned by me and that when the freeholders
shall have appraised the same I shall proceed to select my proper homestead and
exemption if there be sufficient property for that purpose, if not so much as there
shall be.

360 Acres of land, One horse, one mule, 5 head of cattle, eighteen hogs
and six pigs, seven sheep, forty barrels of corn short & long, 5000 lbs of fodder,
One cart & wheels, two pair of cart wheels, cart & plough, gear, four ploughs,
two axes, four hoes, two spades, One Fan mill, one corn sheller, one hog kettle,
fire bed and stoves and necessary covering, two tables, one kitchen table, one
dozen chairs, three pots, one pan, one oven, one spider, one wardrobe, one
work stand, one press, 3 chests, two dozen plates as well as recollected, One
dozen knives & forks, One dozen cups & saucers, as well as recollected
Twenty five bushels of potatoes,
Three barrels of Cider.

One Old Waggon

One debt from Mr. H. Jenkins for about \$450

Charles M. Joyner.

State of Virginia County of Southampton

This day M. Joyner personally
appeared before me a justice of the peace for the County and State aforesaid
and made oath that the above inventory is true. Given under my hand this
12th of December 1870.

Wm R. Parker W.

Jan'y 11th 1871 This day personally appeared before me a Justice of the Peace
John C. Griffin, James T. Borden and James G. Jones and made oath that they would
appraise the real & personal property of Chas. M. Joyner under the "Homestead
Exemption Act" impartially and to the best of their judgment and ability.
Signed by appraisers.

R. S. Boykin W.

John C. Griffin

James T. Borden

James G. Jones

I hereby appoint John C. Griffin, James Borden & J. G. Jones appraisers to value
the property real & personal of Chas. M. Joyner under the Homestead Exemption Act.
J. W. Urquhart Judge.

An Inventory and Appraisement of the real and personal estate of
Charles M. Joyner under the provisions of the Homestead Exemption Act
made by John C. Griffin, James T. Borden and James G. Jones duly
appointed appraisers by J. W. Urquhart Judge of the County Court of
Southampton County -

360 acres of land @ \$2 ⁵⁰ per acre	1	900	00
1 horse		50	00
1 mule		75	00
5 Head Cattle @ \$6 ⁵⁰		32	50
18 hogs & six, 6, pigs		128	04

7 head Sheep @ 1.00	7 00
30 Barrels Corn @ 3.75	112 50
3000 lbs fodder @ 80¢ per Cwt.	24 00
1 Cart & Wheels	15 00
2 pr Wheels	8 00
Cart & Plow gear	2 00
Farming Plows	3 50
2 Axes 62½	1 25
4 Weeding hoes	1 00
2 Spades & 1 Shovel	1 00
1 Fan Mill	4 00
1 Corn Sheller	1 00
1 Hog kettle	7 00
1 Grind Stone	1 50
1 Wagon & Harness	10 00
10 Bus Sweet Potatoes @ 50¢	5 00
1 Pen Shakes	1 50
3 Bbl. Cider @ 1.50	4 50
5 Beds & necessary covering @ \$12 each	60 00
3 Chests	1 00
1 Doz chairs	8 00
1 Wardrobe	10 00
1 Workstand	2 50
1 Pump	5 00
2 Doz plates	5 00
1 " Knives & forks	1 50
1 " Cups & saucers	1 00
To amount brought forward	\$ 1486 29

3 pots @ 1.00	3 00
1 Frying pan	50
1 Oven	25
1 Spider	25
3 Tables	5 00
1 Bond to W. H. Jenkins amounting to \$4.50	
10 per cent off = Cash valuation	405 00
	\$1900 29

Jan 11 1871. This is to certify that we the undersigned have appraised the above and aforementioned property belonging to Chas. M. Joyner under the Homestead Exemption Act impartially and to the best of our judgment and ability.

Chas. B. Griffin
James T. Bowden } Appraisers
James B. Jones }

J. Wm W. Briggs Sheriff of Southampton - Sir -

You are hereby informed that I have selected from the property appraised by James B. Jones, James T. Bowden & Chas. B. Griffin Commissioners and freeholders appointed for that purpose the following property to be held by me as property both personal & real under the homestead law as a homestead -

360 Acres land @ \$2.50	value	900 00
1 horse		50 00
1 Mule		75 00
5 head Cattle	6.50	32 50
18 hogs & six pigs		128 04
7 head Sheep		7 00
30 Barrels Corn	3.75	112 50
3000 lbs. fodder	80¢	24 00

1 Cart & wheels		15 00
2 pr. Wheels		8 00
Cart & plow gear		3 50
2 Axes		1 25
4 Weed hoes		1 00
2 Spades & 1 Shovel		1 00
1 Fan Mill		4 00
1 Corn Sheller		1 00
1 Hog Kettle		7 00
1 Grind Stone		1 50
1 Wagon & Harness		10 00
10 Bu. Potatoes	50	5 00
1 Iron Shovel		1 50
3 Barrels Cider	1 50	4 50
Amount Brought forward - value -		
5 Beds & Covering	\$12 each	60 00
3 Chest		1 00
1 Day Chairs		8 00
1 Wardrobe		10 00
1 Work Stand		2 50
1 Press		8 00
2 Day Plates		2 00
1 " Knives & forks		1 50
1 " Cups & saucers		1 00
3 pots		3 00
1 Frying pan		50
1 Oven		25
1 Spider		25

3 tables		5 00
One bond against Wm H. Jenkins amounting to	\$4 50	
10 per cent. off - cash valuation		405 00
Farmer plows		1898 29
		2 00
		\$1900 29

Charles M. Joyner

Exhibit C -

"To the Judge of the County Court of Southampton - In Chancery -
Humbly complaining, Sheweth unto your Honor your orator Robert M. Dole, that
at the June Term 1868. of the County Court of Southampton, he obtained a
judgment against Charles M. Joyner for the sum of \$500. with legal
interest thereon from 7th day of January 1868 and \$6.76 costs. which judgment
was docketed on the 17th Jan'y 1870 and still remains unpaid and entirely unsatisfied.
a copy is filed as part of this bill. Your orator further states that the said
Charles Joyner is seized and possessed of a tract of land in the County of Southampton
containing 560 acres on which he resides, on which your orators judgment is a lien and
which lease can only be enforced in a Court. That the rents and profits of
the said real estate will not satisfy the said judgment within five years and may
therefore be sold to pay & satisfy your orators demand -

In tender consideration of all which and in as much as your orator is without
adequate relief in the premises except in a Court of equity. To the end therefore
that justice may be done, he prays your Honor to make Charles M. Joyner a
defendant to this bill and compel him to answer the same fully & unreservedly - that an
account of your orators judgment and all other liens, if any, on Joyner's lands may
taken and their priorities, that a decree may be rendered for the sale of the real
estate of which C. M. Joyner is seized & the proceeds applied to your orators demand
and grant such other and general relief in the premises, as the case may require & to
equity may seem meet - May it please the Court &c. Chamberlains p. q -

Exhibit
In Southampton County Court. June 15. 1868

Robert M Dles

Def

against

{ In Debt.

Charles M. Joyner. Surviving Major of E. L. Ely & David A Joyner. Def

The judgment obtained at the Rules not having been set aside and the plaintiff being now entitled to a final judgment. It is therefore considered that the plaintiff recover against the defendant five hundred dollars, the debt in the declaration mentioned, with legal interest thereon from the 7th day January 1864 till paid, and his costs by him about his suit in this behalf expended - \$6.76

A Copy -

Judgment Docketed. Jan. 17. 1870 -

Judge. Osmin White C.C.

An account of all judgments against Charles M Joyner as docketed in the Clerks Office of Southampton County.

Docketed June 1 st 1868	Ludlow Lawrence Judgment for Int. from 1 st June 1860 to 1 st Feby 1871 Costs	1 125 00 80 00 6 07	
			211 07.
Docketed Jan. 17 th 1870	Robert M Dles Judgment for Int from 7 th Jan. 1864 to 1 st Feby 1871. Costs.	500 00 307 16 6 76	807 92
Docketed May. 21 st 1870	M ^{rs} Harris adm. Elizabeth Harris for D. L. Dles adm & Mordcai Roadsman Int from 1 st Jan 1858 to 1 st Feby 1871 Costs	30 00 23 55 6 70	
			60 25.
	Total amt. Judgt.	1 1079 24	

An account of the absolute and annual value of one tract of land
belonging to Charles M Joyner.

One tract of land 560 acres lying on Black Water

Respectfully Submitted

Absolute Value	Annual Value
\$ 1680 00	\$ 75 00

James R Tyler Com.

Commissioners Office.

Jerusalem Jan. 25 1871.

To the County Court of Southampton County.

Pursuant to a decree of the County Court of Southampton County rendered at the October Term 1870, in a suit in Chancery depending in the said Court between Robert M Dles and Charles M Joyner, the undersigned, one of the Commissioners of the said Court, to whom was referred for settlement by said decree the following accounts - That a Commissioner of this Court take an account of the plaintiffs judgment and of all other outstanding judgments against Charles M Joyner distinguishing their respective priorities, also an account of the absolute and annual value of the real estate of Charles M Joyner, ascertaining whether the rents and profits thereof will pay and satisfy the said judgments given in five years, reports to the Court on the 20th day of October last he issued notices against the parties aforesaid requiring them to attend the settlement of said accounts before him at his said Office on the 21st day of December which were returned to your Commissioner duly executed. That the parties aforesaid appeared before the Commissioner in obedience to said notices, and he thereupon stated and settled the foregoing accounts, and finds the amount due by said Charles M Joyner to be \$1079.24 Cents including interest and costs up to February 1st 1871 - The Commissioner deeming it pertinent, reports specially to the Court that in his opinion the rents and profits of said land will not be sufficient to pay

The judgments within five years. The Commissioner further reports to the Court, that after the completion of said accounts he retained them some in his Office, ten days for the examination of the parties, which with the decree & notices aforesaid are herewith returned. Given under my hand as Commissioner aforesaid, the day and year first aforesaid.

Comm. fee \$6.00
Chg. to plff. }

James R. Tyler Comr

Southampton County Court February Term 1871.

Robert M. Dole

against

Charles M. Joyner

Plff. } In Chancery
Deft. }

This day this cause came on to be further heard on the papers formerly read, and on the report of Commissioner Tyler made under the order of this Court rendered at October Term 1870, and was argued by Counsel. On consideration whereof the Court confirming said report to which no exceptions have been filed, doth adjudge, order and decree that the Sheriff of this County after giving thirty days notice previous public notice of the time and place of sale, sell to the highest bidder on the premises the land in the bill and proceedings mentioned of which Chas. M. Joyner is seized, in Southampton County containing 560 acres, on a credit of One, Two and three years equal annual instalments (except Cash sufficient to pay the expenses of sale and costs of this Suit) taking bonds with good security for the deferred payments carrying interest from the date of sale and retaining the title to the land until the purchase money is paid. The Commissioner will return the bonds with his report to Court.

And the injunction asked for in this case by the plaintiffs is refused but the plaintiffs stating that they think themselves aggrieved by the above order or refusal and that they desire an appeal therefrom to the Circuit Court of this County and intend to apply for an appeal therefrom pursuant to the provisions of the act passed the 23^d of June 1870

may apply
the Court doth affix sixty days as the time within which the said plaintiff for such appeal, and doth order that the execution of the decree of the February Term 1871 in the case of Dole v. Joyner be suspended for that time provided the said Charles M. Joyner & Wm. A. Jenkins or some responsible person shall enter into bond with sufficient security in the penalty of One thousand dollars with a condition according to law.

A Transcript of the Record.

Teste Oswin White Clk

Clerks fee for this transcript of the Record \$4.25

O. White Clk

Joyner & Linkin
as } owner.
Dolste.

Nov 27: 1872.

To be entered
Geirson.

Lynn & Jenkins

J. B. LIPPINCOTT & Co.
Wholesale Stationers,
Philadelphia.

25

Dols.

On Motion for the Sept. by Counsel. This
orders that the respondent answer, in this case
on 11th May, 1871. he and the same is assigned
and that ~~the costs pay to the Sept. costs by~~
~~have incurred in this appeal.~~ each party pay
his own costs.