

1872-037

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BRITT and Wife et al vs. JOYNER'S ADM'R. et al

5/1872

Bath & Wife

~ } Stat: Rules

Jayners adm of



In Southampton County Court.

Mills A Britt & Fannie ER Britt his wife, who was formerly Joyner
Susan Joyner, Elijah Joyner & Elizabeth Joyner an infant who dies by Mills A
Britt her next friend

against

Wm W Briggs late Sheriff & as such admor of Henry Joyner dec? Geo W Vick late
Sheriff & as such admor of Martha Joyner, Saml Kelle late Sheriff & as such admor
of John Joyner.

1871 July 28 Sum. issued.

" Aug. Rules Sum. Ret? Executed. Bill filed, D. Nisi & Deft's

" Sep " Bill taken for confessed & Cause set for hearing &c.

" " T. Deere for account &c.

1872 Jan 13 Report

" May Deere &c.

9.74

1.50

6.00

16.00

33 24

Britt & c.

vs 3 Bill & Exhibits

Joyner's Admors.

(Co. ct)

1871 Aug. Rules.

Price of
"

To The Hon Joseph W. Arguehart, Judge
of the County Court of Southampton
County. In Chancery.

Humbly complaining, sheweth unto
your Honor, your complainants
Mills A. Britt & Fannie E. R. Britt, his
wife, who was formerly Joyner. Susan
Joyner, Elijah Joyner, & Elizabeth Joyner
an infant, who sues by Mills A. Britt
her next friend, that sometime during
the year 1860, Henry Joyner departed
this life intestate. That at the ^{County Court of this County} Decr
Term 1860, his Estate was committed
to the hands of W. W. Briggs, who was
then ~~Shff~~ Shff for administration. That
the said Briggs, by virtue of his office,
possessed himself of all the Chattle
Estate of his intestate, which was much
more than sufficient to have paid all
his just debts. That in Jan'y. 1861. the
said Admr returned an account of
sales of the effects of the said Henry
Joyner, amounting to \$180. 83. That
during the same month of the same year,
the said Briggs received from Jno. Barker
who was a trustee of Henry Joyner, the
sum of \$207. 98, it being a surplus

Exhibit (1).

Exhibit (2).

after satisfying the truth, as will be seen more fully by reference to a copy of the account of Jno. Bankham herewith filed, marked (2) & prayed to be taken as part of this bill. That Henry Joyner left the following heirs at Law & distributees - viz. Your Complainants Mills & Britt, who intermarried with Fannie E. R. Joyner, a daughter of the said Henry Joyner, ~~Mary~~^{Martha} John, ~~William~~^{John}, Susan Elijah & Elizabeth Joyner. That since the death of the said Henry Joyner, ~~Mary~~^{Martha} & John Joyner have died intestate, after attaining the age of 21 and unmarried, and the estate of Martha Joyner was committed, at Aple County Court 1863, to E. W. Vick, who was then Sheriff for administration. and the estate of John Joyner was committed at October Court 1866 to Saml. Kello, who was then Shff. for administration. That although the said Henry Joyner died during the year 1860, the said Sheriff has never yet returned any account of his administration, or offered to make any, though repeatedly urged so to do. That he has not dealt with any of the legatee

Of the said Henry Joyner, although he must necessarily have funds in his possession for distribution, and altho' he has been repeatedly & persistently requested so to do. That the funds which the said Adm^r received both from the sale of the personal effects of the said Henry Joyner, and from John Barkham were as good as gold, and had as high a market value, they being received in 1861. That the said Adm^r, so far as your complainants are advised, allowed this money to waste and took no steps to invest any of it until in April 1865. That at APl County Court of Southampton County, which was several days, after the surrender of Genl Lee, and the evacuation of Richmond, an order was entered ordering the said Brigg, to invest a portion of the funds belonging to the estate of Henry Joyner in Confederate States bonds ^{as well as by a copy of} stocks, which at that time had no appreciable value. Your complainants further say & charge that the said Adm^r was guilty of gross neglect in thus allowing funds

Exhibit (3)

the Adm^r filed marked (3)

belonging to him in a fiduciary Character
to become utterly worthless. and your
Complainants further charge, that the
order under which the investment
was made is void and of no legal
effect whatever.

In tender Consideration of all these facts,
and inasmuch as your Complainants
are without remedy in the premises,
save in a Court of Equity, where matters
of this kind are peculiarly cognizable; to
the end therefore that justice may be
done, they pray that the said W. W. Briggs
late Shff & As such Adm^r of Henry Joyner
decd, E. W. Vick, late Shff & as such Adm^r
of Martha Joyner decd, Samuel Wells, late
Shff & as such Adm^r of John Joyner decd may
be made parties defendant to this bill
and Compelled to answer the allegations
thereof. That your Honor will order
all necessary & proper accounts,
that an order may be entered, setting
aside the investment made by the
Adm^r of Henry Joyner, and directing the
said Adm^r to pay to the parties entitled
the money he received belonging to Henry
Joyner's Estate or its Equivalent. And that your
Honor will grant such other, further & general
relief, as to Equity may seem meet & the
Nature of this Case may require. And
as in duty bound your Compt^t will ever pray,
May it please the Ct &c. J. B. Prince p. e

Joyners ad
ad } Ans.

Will please

The answer of Mr. W Briggs to a bill in
chancery by Mills & Birt & others against him

This defendant for answer to the said
bill or as much thereof as he is advised it
is material for him to answer, answering
says that in the year 1860 J. C. Joyner was
committed to him as sheriff for
administration, that in January 1861 he had
a sale of the personal estate on six months
credit that sometime in 1862 or 1863 he
received these bonds in the then usual
currency viz Confederate States notes and
that in 1861 he received from John Berham
\$207 in Virginia bank notes, that he
settles no account owing to the war he being
part of the time in the army and part
of the time then being no commissions
He answers further that when the
Confederate States Congress passed a law
reducing the value of the currency one
third having held all the funds up to this
time in Confederate States treasury notes
paying their total cost he invested them
in 7.30 C. States bond which are now
filed at the time he had no order from
Court to invest, but did what the court
would have ordered had he have applied

to it, subsequently at the April term 1865
he applied to and had an order to invest
all the funds which he had in his
hands as the representative of various
states in Confederate states states a copy
of which order is herewith filed and
prayed to be taken as a part of this
order answer, This defendant for further
answer says that he did all he could
to save all states committed to ^{his} hands
from loss, using the same care to save
the funds of states that he did his own
that such was the condition of the country
that prudent ^{men} refused to take charge of
states often sons refusing to qualify on
their fathers states and that these burdens
and responsibilities ^{were} ~~being~~ thrown on
sheriffs who had no escape from them
He is willing to settle any accounts
the court may order and having fully
answered prays leave to be dismissed as
Shanks J. C.

This day W. W. Briggs personally appeared before me
and made oath that the foregoing is true to
the best of his knowledge and belief given under
my hand this ^{18th} day of November 1871.
W. W. Briggs

This day W. W. Briggs, personally appeared before me,
James R. Tyler, Commissioner in Chancery, and read
Cash, that the within answer is true to the best of
his knowledge and belief. Given under my hand this 18th
day of November A. D. 1871.

James R. Tyler, Comr.

Britt & Co

vs 3 Decree

Joyner's Adm't

Sept. Term 1871.

To be entered.

Wm. J. Abbott Judge

Britt &c

vs $\frac{3}{3}$ Decece.

Joyner's Admors &c

This day this cause came on to be heard on the ~~papers~~ for complainant's bill, the answer of W. W. Briggs, Admors of Henry Joyner decd, exhibits filed, general replication thereto, and was argued by Counsel. On consideration whereof, the Court doth adjudge, order, and decree that a Commissioner of this Court take an account of the transactions of W. W. Briggs, as Administrator of Henry Joyner, and also make up an account, distributing whatever balance there may be in the hands of the said Briggs, among the parties thereto entitled. In auditing which accounts, the Commissioner is directed to state any matters deemed pertinent by himself or which may be required to be ^{so} stated by any of the parties interested.

Bill
again
Signe Admⁿ J.

Durham County Court, September Term 1871.

Milly A. Britt and Fannie E. R. Britt his wife,
who was formerly Jeyner, Susan Jeyner, Elijah Jeyner,
& Elizabeth Jeyner, an Infant who was by Milly
A. Britt her next friend. Plaintiffs;

Against
Wm. W. Briggs, late Sheriff and as Such Admin^r,
of Henry Jeyner, Geo. W. Vick, late Sheriff and
as Such Admin^r, of Marilla Jeyner, Saml
Keller, late Sheriff and as Such Admin^r, of Geo. Jeyner.
Defendants;

In Chancery

This day this Cause came on to be heard on the Complaint
made. The answer of W. W. Briggs admin^r of Henry Jeyner read.
Exhibits filed, general replication thereto, and was argued by counsel;
in consideration whereof, the Court doth adjudge, order and decree,
That a Commissioner of this Court, take an account of
the transactions of W. W. Briggs as Administrator of
Henry Jeyner, and also make up an account distrib-
-uting whatever balance there may be in the hands
of the said Briggs among the parties thereto entitled.
In auditing which accounts, the Commissioner is
directed to state any matters deemed perti-
-nent by himself, or which may be
required to be so stated, by any of the
parties interested.

Attest
Sept.

James R. Byrd, J.C.

Butt is wife was
is 3 Dec
~~Boyle~~ column
Gr he entered
H. W. G. Hart
Judge
May Term 1852

Brill's wife
vs J Deane
Joyner admr

This day this cause came on again to be heard on the papers formerly read and the report of Commissioner Tyler made pursuant to a decree entered at the September term 1871. The answer of the defendant William W Briggs administrator of Henry Joyner died and exhibits filed therein with general application therefor and was argued by counsel on consideration whereof the court being of the opinion that the investment made by the administrator William W Briggs of the assets in his hands belonging to the estate of Henry Joyner died in Confederate States stocks in 1864 was valid and lawful and that the said investment absorbs all the said assets therefore it doth adjudge, order, and decree that the plaintiffs bill be dismissed and that the plaintiffs recover from the defendant their costs in this suit expensed.

Brith & Wife &

τ { Sum's Chy

Dyners adm &

1877 August Rules.

Executed

W. W. Wigglesworth

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you to summon *Wm W Briggs late Sheriff & as such admor. of Henry Joyner dec^d Geo. W Vick late Sheriff & as such admor. of Margaret Joyner dec^d & Sam^l Kello late Sheriff & admor. of John Joyner dec^d*
if they be found within your bailiwick, to appear at the Clerk's Office of our County Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *August next to answer a bill in chancery exhibited against them in our said Court by Mills A. White & Fannie E. R. his wife, formerly Joyner, & others*

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Courthouse, this 28 day of *July* A. D., 1871, in the 96 year of the Commonwealth.

O. White Clk

I G W Wick do hereby declare
that I was with W W Briggs in the
City of Petersburg on or about the 26th
day of March 1863, and ^{he} did invest
a large amount of Confederate money
in 4/30 Confederate Bonds for sundry
Estates which were in his hands as admi-
nistrator; and to the best of recollection
the Estate of Henry Doyne was
one, he having submitted to me a
list of said Estates.

G W Wick

Britt & Co } Cairn
 } Tyler's
 } Report
against "
Signer's Hon & Co

1872 January 13th

The Estate of Henry Joyner

In acct with W W Briggs administrator

1861		\$	Dr	\$	Cr	\$	Interest
Jan	To paid C D Bacham	26	50				
"	8 " paid P Barrow Auctioneer	3	00				
Feb 25	" paid R M Wrenn	2	50				
July 8	By amt sales due this day				180	83	
"	26 " Amt from John Bacham Master				207	58	
Aug 19	To paid Jobe Holland	5	25				
Sep 16	" paid Ben E Pope	1	92				
"	" " paid B. E. Pope	1	00				
Dec 31	" paid Taxes	8	14				
"	" Commissions on \$388.41 @ 5%	19	42				
"	" Balance due Est	320	68				
		/\$388 41		/\$388 41			
1862							
Jan 1	By Balance due Est brot down				320	68	
"	20 To paid Geo C Pope	25	60				
"	20 " paid Geo C Pope	5	80				
"	" " paid Geo C Pope	12	00				
"	" " paid Miles Wrenn	1	25				
Feb 28	" paid J S Larden	1	00				
"	" " paid J. S. Larden	38					
Dec 31	By Interest on \$320.68. 6 months					18	62
"	" To Balance due Est	274	65				
		/\$320 68		/\$320 68		18	62
1863							
Jan 1	By Balance due Est brot down				274	65	18 62
Feb 16	To paid Pope & Woodard	2	84				
"	" " paid Pope & Woodard	17	89				
Apr 20	" paid Pope & Woodard	33	60				
May 16	" paid Elizah Joyner	5	00				
July 1	By interest on \$274.65 6 months					8	23
"	" To Balance due Est	215	32				
		/\$274 65		/\$274 65		26	85

1863

	Dr	Int
July 1 By Balance due Est brot over	\$ 215.32	\$ 26.85
" Interest brot in		26.85
" Balance due Est. Principal & Int	\$ 242.17	

With interest on \$ 215.32 and part thereof till paid

Respectfully Submitted
James R. Tyler
Com

An account distributing the balance in the hands of the administrator amongst the parties entitled thereto

To Mills A. Bulte in right of his wife	1/4 of Principal	\$ 53.83
do do do	1/4 of Int	6 7 1/4
" Susan Joyner	1/4 of Principal	53.83
do do do	1/4 of Int	6 7 1/4
" Elijah Joyner	1/4 of Principal	53.83
" do do	1/4 of Interest	6 7 1/4
" Elizabeth Joyner	1/4 of Principal	53.83
" do do	1/4 of Interest	6 7 1/4
		\$ 242.17

Respectfully Submitted
James R. Tyler
Com

Commissaries Office,

Jerusalem, January 11th 1872.

To the Family Court of Southampton;

Pursuant to a decree of the County Court of Southampton, rendered at its September Term 1871, in a said in Chancery depending in the said Court between Mills A. Bulte & others against W. W. Briggs late Sheriff and as such Administrator of Henry Joyner deceased and others; the undersigned to whom was referred for settlement by said decree, "That a Commissary of this Court take an account of the transactions of William W. Briggs as Administrator of Henry Joyner, and also make up an account distributing what-ever balance there may be in the hands of the said Briggs among the parties entitled to the same." The Commissary reports that he has examined the vouchers of the said Briggs and has made up and stated the foregoing account of the said W. W. Briggs as Administrator of the Estate of the said Henry Joyner deceased up to July the 1st 1863, and on that day finds a balance due the said Estate from the said Administrator of \$ 242.17, with interest on \$ 215.32 part thereof, from the 1st day of July 1863, till paid. The Commissary further states, that after the completion of the said account, he retained the same ten days in his Office, for the examination of the parties, which with the Decree aforesaid, is herewith returned. Given under my hand as Commissary aforesaid, the day and year first aforesaid.

Commissaries fee \$1.00
Charged to Plaintiff

James R. Tyler, Commissary

at 1

With full life

to } Ex: with bill

Sojourners and of

An account Sales of the property of Henry Joyner dec made this 8th day of January 1861.

Articles.	Purchasers		
1 Turning plow traces	Wm I. G. Worrell		53
1 Trace plow	Joe Drake		87
1 Set Cart gear	A. P. Pope		31
1 Saddle & Bridle	Joe J. Darden		50
1 Sheep skin &c	Same		05
3 Plow hoes	Wm I. G. Worrell		75
4 Coulters &c	Same		45
2 Ground stones & adz	Wade Banks		35
1 Hatchet & 4 Augers	Elias Worrell		06
2 Planes	Wm B. Worrell		05
1 Hand saw Drawing Knife &c	Joe W. Pope		25
1 Steer yoke & Currying knife	Miles Worrell		05
2 Barrels of Vinegar	Bur. E. Pope		60
2 Barrels of Salt	Joe G. Worrell		75
2 Open headed barrels	Same		02
3 Barrels Corn @ \$3.00 pr. bbl.	Wm I. G. Worrell	9	00
1 Maul & Wedges	Same		55
1 Maul & axe No. 1	A. P. Pope		40
1 Maul & axe No. 2	Joe G. Worrell		25
1 Maul & axe No. 3	A. P. Pope		55
Lot Horns	Elias Worrell		13
3 Baskets	Wm I. G. Worrell		05
Amt. Carried over		16	49
Amt. Brought over		16	49
1 Spinning Wheel No. 1	A. P. Pope	1	55
1 do do No. 2	Bur. E. Pope		25
Lot Trays &c	Wm I. G. Worrell		07
2 Potts Hooks Geo. Kille	A. P. Pope		30
2 Ovens & spider	Joe G. Worrell		40
1 Boom & Sarnip.	Wade Banks		50

1 Table & Contents
 1 Open headed stand
 1 fishing poles
 1 for pot hooks
 1 Warping bars boxes
 1 fishing flat
 1 Saw mill
 1 White cow & 6 pigs
 1 Sow & 9 do.
 10 Fat hogs
 1 Work ox
 3 Sheep at 80th each
 Stack fodder N^o 1
 do do N^o 2
 do do N^o 3
 5th Choice Bee hives
 6, 2^d do do
 Collards in garden
 1 Bed furniture up stairs

1 Tanking blades jug
 1 Chest, up stairs,
 1 bag cotton & Turkey Wm
 1 Bed stand
 1 Chest, down stairs,
 1 table & contents
 1 block
 1 Cradle
 7 chairs
 1 for Dad iron spring board
 2 Meal barrels
 1 Bed furniture N^o 1

Dick Whitfield
 Elias Worrell
 Wm Briggs
 Ben E Pope
 Jas J Darden
 H. P. Pope
 Jas J Darden
 Same
 Same
 Same
 John L Burns
 Jas G Worrell
 Ben E Pope
 Same
 Same
 Wade Banks
 Jas G Worrell
 Elias Worrell
 Wm J Gray

Amt carried over
 Amt brot over

Jobe Holland
 Same
 Ben E Pope
 Geo. E. C. Buttle
 Wade Banks, Jr.
 Same
 Amos P Pope
 Elias Worrell
 Wade Banks Jr
 Wm J Gray
 Jas G Worrell
 Miles Worrell

57
 06
 38
 10
 20
 85
 05
 11 25
 16 00
 57 75
 28 05
 2 40
 2 60
 4 20
 4 30
 1 75
 2 35
 25
 4 35
 157 42
 157 42
 13
 06
 25
 52
 1 25
 1 50
 50
 50
 1 80
 33
 03
 6 00

1 do do N^o 2
 1 fish nets
 1 chub do
 1 clothe basket shoe brush &
 1 Pinchers, Snuffers &
 1 Saddle
 1 Shot gun N^o 1
 1 do do N^o 2
 1 Cotton Seed Hammer
 1 Water bucket Basin

Jos Drake
 James Rowel
 Ben E Pope
 Andrew J Mials
 Jas G Worrell
 Miles Worrell
 Jas G Worrell
 Parker Renville
 Ben E Pope
 Miles E Worrell
 180 83

W. W. Briggs admo

Southampton County. In the Clerk's Office, April 15 1861.
 This account of Sales was returned and admitted to record

Teste J. R. Edwards Clk
 A. O. Gray-
 Teste, O. White Clk

N^o 223.

With wife

to } Ex. with bill

Boyners adm

Southampton County Court December 17. 1860
 Ordered that Wm W Briggs Sheriff of this County take into his hands the estate of
 Henry Joyner dec^d to be administered according to law

Attest

White lb

2

Henry Joyner grantor under Dec^d of Trust.
 In account with John Barham the Trustee.

1861			Dr	Cr.
Jan	26	By amount of Sale of land		420 00
"	"	To paid Rev E Pope bond & int.	77 05	
"	"	" " " " " "	111 76	
"	"	" " Lawyers fee	5 00	
"	"	" " Clerks & Commissioners fees	6 50	
"	"	" " Oyer	2 00	
"	"	" " Commissions on \$202.31	10 11	
"	"	" " paid Wm W Briggs adms ^r of Henry Joyner dec ^d	207 58	
			420 00	420 00

Respectfully Submitted

Henry S Howard Com^r

At a Court held for the County of Southampton April 15. 1861.

This account of John Barham's transactions as trustee under Dec^d of trust from
 Henry Joyner having been one month and upwards in the Clerks Office and there
 being no exceptions thereto, was examined, confirmed and ordered to be recorded

Attest

LR Edwards lb

Attest

White lb

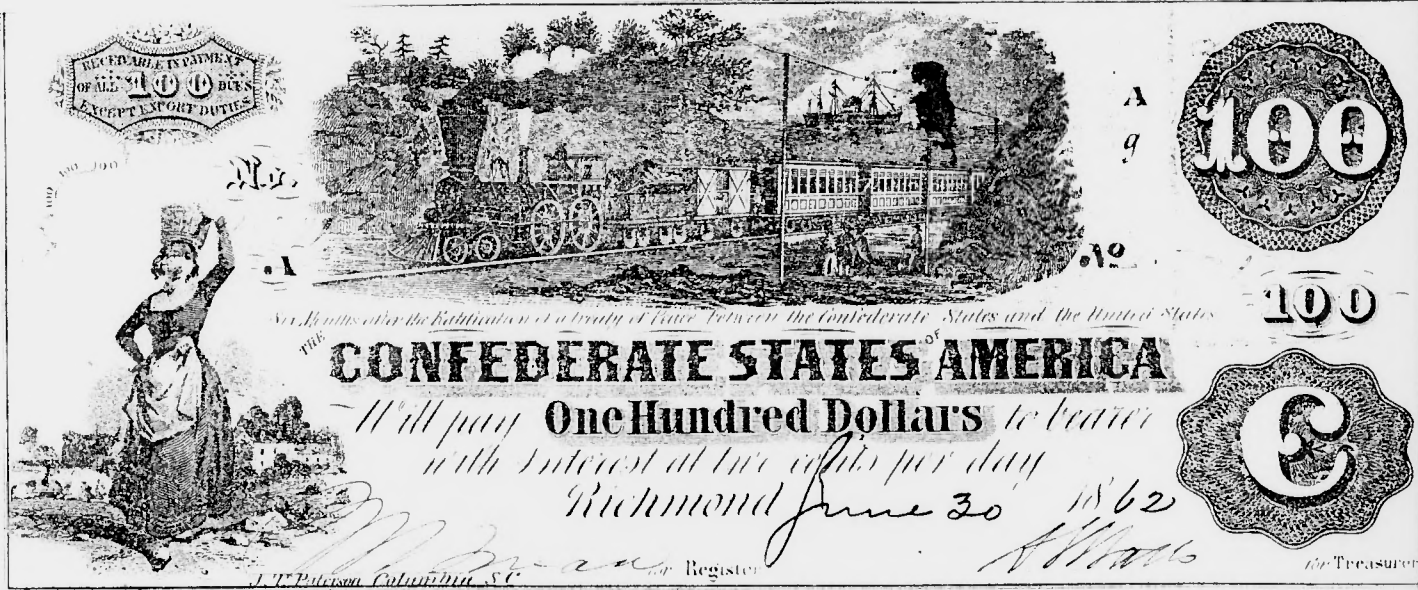
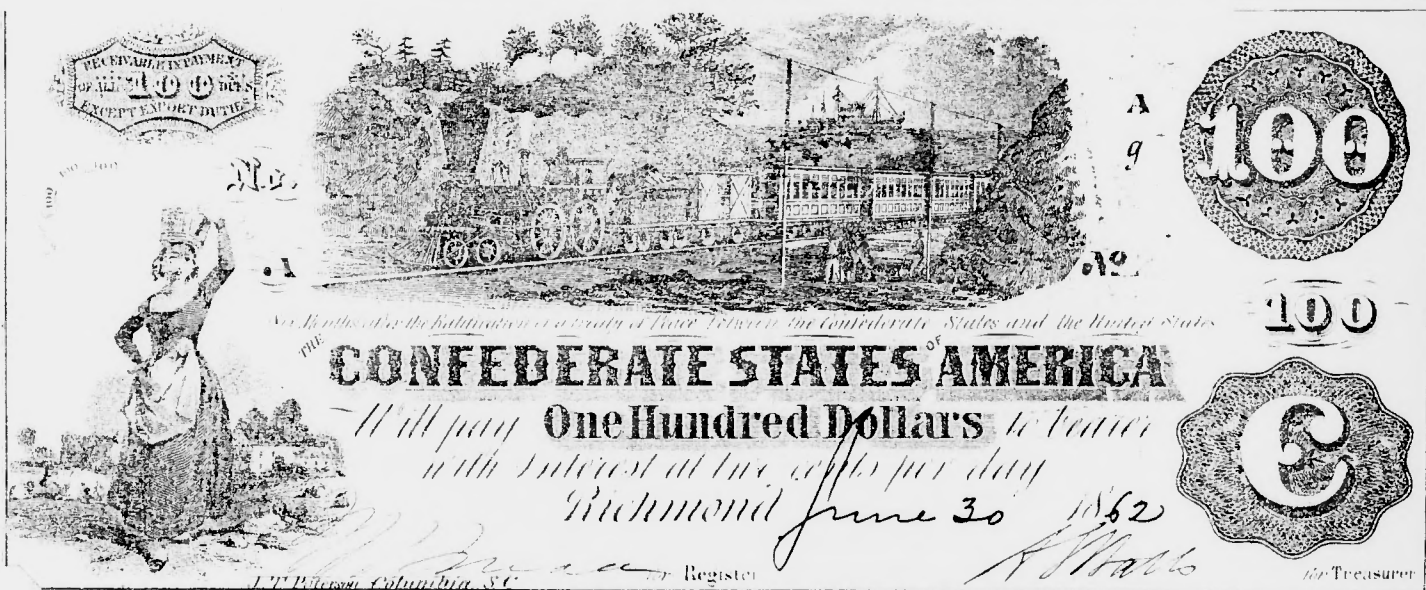
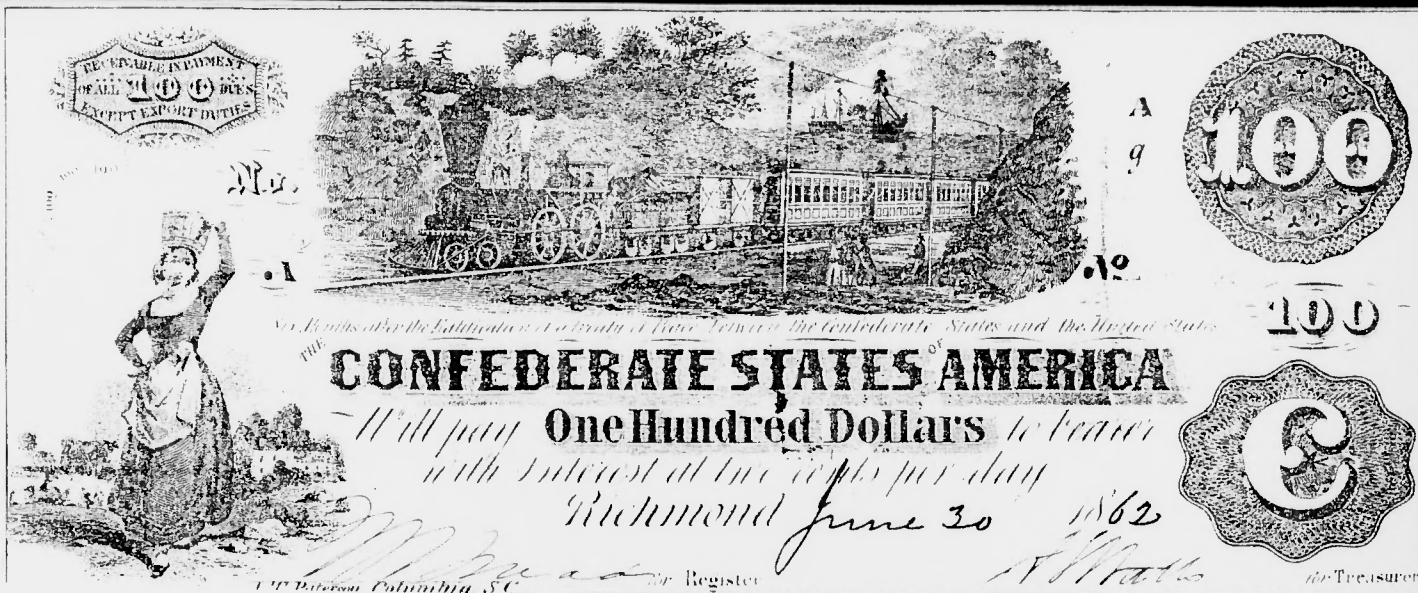
Southampton County Court, April 17, 1865.

Ordered that Wm W Briggs, Sheriff & administrator of Henry Joyner dec^d invest the sum of two hundred dollars, moneys in his hands belonging to intestates estate in Confederate States Stock or State Stock of either of the Confederate States or in real or personal property at his discretion, for the benefit of the persons entitled thereto.

A. C. Spurr -

Teste,

O. White Clk



1872-03 ORIGINALS ARE PLACED IN VAULT

INTEREST PAID TO
1ST JANUARY 1863.
AT RICHMOND.

INTEREST PAID TO
1ST JANUARY 1864.
AT RICHMOND.

INTEREST PAID TO
1ST JANUARY 1865.
AT RICHMOND.

INTEREST PAID TO
1ST JANUARY 1863.
AT RICHMOND.

INTEREST PAID TO
1ST JANUARY 1864.
AT RICHMOND.

INTEREST PAID TO
1ST JANUARY 1865.
AT RICHMOND.

INTEREST PAID TO
1ST JANUARY 1863.
AT RICHMOND.

INTEREST PAID TO
1ST JANUARY 1864.
AT RICHMOND.

INTEREST PAID TO
1ST JANUARY 1865.
AT RICHMOND.

Brilliant

to } Rough Record

Journal ad

Pleas. before the Judge of the County Court of
Southampton County. at the Courthouse thereof, on the twentieth
day of May 1872.

Be it remembered that heretofore, to wit, on the 28th day of July
in the year 1871, came Mills A. Britt & Fannie E. R. his wife, formerly
Joyner & others by their Counsel and sued out of the Clerks Office of
the said Court their ^{synonymous} bill in Chancery against Wm. W. Briggs late Sheriff
and as such administrator of Henry Joyner dec^d. Geo. W. Vick late Sheriff
& as such admor. of Margaret Joyner dec^d. & Sam^l Kello late Sheriff &
admor. of John Joyner dec^d. which with the return thereon is in these words
to wit. (here insert)

And at Rules held in the Clerks Office aforesaid on the 7th
day of August 1871, came the Complainants by Counsel and filed
their bill against the Defendants which is in these words, to wit
(here insert bill & exhibits)

And the summons in this case being returned executed and the defendants
failing to appear, it is ordered that the Complainants bill be taken for
confessed unless the said defendants shall appear and plead, answer or
demur at the next Rules.

At which day to wit At Rules held in the Clerks Office aforesaid on
the fourth day of September in the year aforesaid the Defendants still
failing to appear on the motion of the Complainants by Counsel their
bill is taken for confessed and the cause is set down for hearing.

At another day to wit. At a County Court held for the County of South-
ampton on the 19th day of September 1871.

This day this cause came on to be heard (here insert decree)

Report of Commissioner made under the above decree)

(Here insert Report &c)