

1872-044

SOUTHAMPTON COUNTY
CHANCERY PAPERS

JOYNER

VS.

DRAKE. etal

3/1872

Other surnames: Joiner

Joyner

Bill

Joyner &

- 1865 January Rules - Bill filed
 E R Edwards assigns gov ad libitum to
 Mary D & Martha V Joyner -
 Anst. of a May. Mary D & Martha V
 Joyner - New Sum & Drake -
 Feb. Sum. & Drake. Ex. 2. LA Nisi & humi
 Mar. Bill taken for confessed as to
 Drake & Cause set for hearing &c.
 1866 Nov. Decree as filed &c.
 # 1868. Decr. Decree amended
 # 1870 Nov. Report of Decree
 1871 March Rule & Comm.
 " June. Rep. of decree.
 1872 March Final decree

To the worshipful County Court of Southampton County
Humbly complaining therein unto your
worships your complainant Elizabeth H
Joyner that she together with her brothers & sisters
to wit Mary L., Martha C., Elisha, and Louisa Joyner
were jointly seized & possessed of a small tract of land
in the said ^{county} containing about acres which said
land was conveyed to them by deed from

That her brother Elisha died
leaving her father James Joyner his sole heir and that
the said James Joyner conveyed the interest so inherited
from his said son to wit, $\frac{1}{5}$ in trust to secure one
Saml. Kello and that according to the terms of the
said trust the said interest was afterwards sold
and was purchased by Thomas Drake. That the father
James Joyner then died, and after his death Louisa
died leaving her mother Nancy Joyner your Complainant,
Mary L., & Martha C. Joyner her sole heirs
Your complainant further represents that she and
her mother & sisters aforesaid all reside together
on the said land and wish this part of the same to be
laid off to itself and that the said Drake who is not
of the family may have his $\frac{1}{5}$ part set apart to
himself - In consideration of all of which and
in as much as your Complaint is without remedy except
in a Court of Equity to the end therefore that justice may
be done she prays that Commissions may be appointed
to allot to the said Drake his $\frac{1}{5}$ part of the said land
and that the said Mrs Drake Nancy Joyner Mary L.
& Martha C. Joyner the two last named being infants
may be made Defs to this bill & may be made to
answer the allegations thereof, that some fit & proper
persons may be made guardian ad litem to defend the said
infants and that your worships will grant such other
and several acting in the premises as Equity may dictate &
Elizabeth H Joyner

The answer of Nancy Lyman to the above bill of complaint
This Deft. denies & reserves the full answer to the said
bill says the facts therein stated are true

Nancy Lyman of
Massachusetts

The answer of Mary L. and Martha C. Lyman of & M.
E. Woods this Deft. admits to the above bill of complaint
These Defts. deny & reserve the full answer to the said
facts therein stated to be true & being in force they
submit their rights to the protection of the Court de
Massachusetts for Defts

250
⁴
 1800

250 lbs of per h.

Wt to the 100 pounds

18 Lbs 2 3/4

125 of per h.

Joyant
as 3
Joyant

Museum of J. Dooler

The answer of Thomas Drake to a bill
in chancery in the county Court of Southgate
by Elizabeth Joyns as to him

This defendant for answer to the said
bill or as much thereof as it is material
for him to answer, answering say, That
all the statements set forth in the plaintiffs
bill are not true, and he believes ^{as} to be
as he believes to be correct history of the tract
which they seek to divide, on the 12th of
July 1849 Mary A. Mapesbury made a deed
of bargain and sale to Elisha E. Joyns and
his mother and sister children of James Joyns
for 80 acres of land a copy of which deed is
herewith filed marked A and prayed to be taken
as a part of this bill that besides the said
Elisha E. Joyns there were three two other
children living to wit Elizabeth and Louisa
Joyns and therefore there were 3 children joint
tenants in fee, that two of the children who
names are mentioned in the bill to wit Mary
E. and Martha V. Joyns were born subsequently
to making ^{the} deed and consequently were not
purchasers, that soon after the making of
the said deed, one of the children to wit
Elisha E. Joyns died and his father James
Joyns inherited his third of the said tract of
land, On the 4th of March 1856 James Joyns
by deed of trust conveyed to L. R. Edwards
as trustee the interest of his son Elisha E.
Joyns in the said tract of land to secure
Samuel Kell and on the 28th of January

1858 the trustee L. R. Edwards conveyed the same interest to this defendant Thomas Drake as will more fully appear by copies of the said deeds herewith filed marked B and C and prayed to be taken as a part of this bill, this defendant is willing and anxious that the said land should be divided according to the rights of the parties allotting him one third instead of one fifth as set forth in the plaintiffs bill and having fully answered prayer I need to be dispensed with his costs &c

Thomas Drake
mark

This day Thomas Drake appeared before me in my office and made oath to the truth of the above answer given under my hand this 31st of August 1866

L. R. Edwards Clerk of
Southampton County Court.

1866 November Term

Seymour

as

Seymour

This day this cause came on to be heard
on the bill the answers of Mary L Seymour and
Mortimer L Seymour of L N Edwards this ^{Suitor's} ~~party~~
^{as litigant} ~~party~~, the answers of Nancy Seymour & Thomas
Stake and the exhibits filed with the bill
and was argued by counsel, but consideration
being the Court do not adjudge and
order that James Holmes and Nathaniel
Beech and James Indian any three
of whom may act proceed to divide the the
land in the proceedings mentioned into
three parts of equal value and allot one part
to Elizabeth A Seymour, one part to the heirs
at law of Louisa Seymour, one part to Thomas
Stake and that they then proceed to allot
to Nancy Seymour the widow of Jas Seymour
and one third part of the share allotted to
Thomas Stake during her life as her dower
in the estate of her late husband; and that
they report their proceeding to Court.

Supers
Es. 3
Supers

Seneca County Court, November Term 1866.

This day this Cause came on to be heard on the bill, the answer of Mary L. Joyner and Martha V. Joyner by SA Edwards their Guardian ad litem. The answer of Nancy Joyner and Thomas Drake and the Exhibits filed with the bill and was argued by Counsel; on consideration whereof the Court doth adjudge, Order and decree, that James Holmes, John Preble, Wm. Beacy and James Judkins, any three of whom may act, proceed to divide the Land in the proceeding mentioned, into three parcels of equal value, and allot one part to Elizabeth A. Joyner, two parts to the heirs at law of Lurisa Joyner, two parts to Thomas Drake, and that they then proceed to allot to Nancy Joyner, the widow of James Joyner dec. one third part of the Share allotted to Thomas Drake, during her life, as her dower in the Estate of her late husband; and that they report their proceedings to Court.

Attest
Gutty,

Samuel Tyler, D.C.

1868 Dec. 6th

Joyner
is

Deen

Joyner

This day this cause came on to be again
made on the papers formerly read on consideration
whereof the Court doth adjudge order and decree
that John Griffin, Le V. Griffin, Arnold Kitchen
& J de Beaudin are appointed commissioners
to execute the decree entered in this cause at the
Nov. Term 1846 instead of the commissioners therein
named

Southampton County December Court 1868

Elizabeth A Joyner
against.

Pelf

} In Chancery

Nancy Joyner & Mary E & Louisa Martha V Joyner infants by
G. R. Edwards their guardian ad litem

Defts. }

This day this cause came on to be again heard on the papers formerly read. On consid-
eration whereof the Court doth adjudge, order and decree that John Griffin, W. R.
Griffin, Arnold Kithen, and F. deBordenave be appointed Commissioners to execute
the decree entered in this cause at the November Term 1866, instead of the Commissioners
therein named.

Attest.

Teste.

G. R. Edwards lld

Jayner &
N

Jayner &
1870

Wm Co. ex
Dece

To be entered
J W Nugent Judge
Nov. Term 1870

Joyner

18

Joyner

This Cause came on this day to be again heard on the papers formerly heard on the report of R. R. Griffin & J. D. Bordenau & J. A. Ketchum made pursuant to the decree of December Term 1868 of this Court - to which report there is no exception, and was argued by Counsel.

On consideration whereof, the Court doth confirm said report, and doth adjudge order & decree that Kenneth R. Griffin who is hereby appointed a Commissioner for that purpose, proceed to sell on the premises at Auction for the purpose of redemption on a credit of six months with interest from date (except for a sum sufficient to pay costs of suit & expenses of sale which he will begin in Cash) the land of which James Joyner died seized & possessed described as a tract of land in Southampton County containing eighty acres more or less & adjoining the land of Matthew Williams Harrison

And also this his of James Commel
The said Commelmann will take
from the purchase of said land
bond with good security for the
deferred payments.

Notice of which said sale shall
be given for twenty days by adver-
tisement in the Court House door of
said County, and at various other
public places and make his report
to Court.

But no sale shall be made under
this decree until the said R R Griffin
shall execute before the clerk of this
Court in his office a bond in the
penalty of \$200 - duly payable to the
Commonwealth of Virginia, and
conditioned for the faithful discharge
of the duties required of him under
this decree, and any other decree
that he may be required to ~~execute~~
execute in this cause.

John
or } seen
John }

To be entered
J. W. Mychart
Judge
March 1892

Joyner

vs

Joyner

{ Deceit

This ~~Change~~ This Cause come on ^{again} to be heard on the
papers formerly read and on the report of the Commissioner
this day filed, in consideration whereof the Court
doth adjudge & do hereby order that the report be confirmed
and then being no further proceedings ^{necessary} in this Cause
it is ordered that it be ^{removed} ~~discontinued~~ from the docket.

Joynes

v { Sum: Chy

Joynes &c

1865 February Rules

Executed by
delivering a Copy
of this Summons to
Thos. Drake, on the
17th day of January
1865
W. W. Briggs shff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

Thos. Drake —

to appear ^{at} before the *Clerks office* of our *County* Court of Southampton County,
at the Court House, on the first ~~day~~ of *Monday in February next (being Rule day)* to answer a bill in Chancery exhibited against
him and others in our said Court by Elizabeth A. Joyner Term next, to

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court
House, this *2^d* day of *January* 1865, in the *89th* year of the
Commonwealth.

L. R. Edwards *CL*

Joyner

v { Rule v Com.

Joyner

1871 June Court.

Executed

Jas E. Harris Dy.

for W. W. Driggs att

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command you to summon

H. R. Griffin

if *he* be found within your bailiwick, to appear before the Judge of our *County*
Court of Southampton County, at the Court house, on the first day of *June* term
next to make ~~decree~~^{report} under the decree in the case of *Joyner 'v' Joyner* of
appointing him Commissioner to make ^{sale} of certain lands therein named

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Court-House, this *18* day of *May* 187*1*, in the *95* year of the Commonwealth.

Oswin White

That the undersigned Commissioners appointed by
decre obtained subsequent to decre entered at
Chancery term of County Court 1866 appointing
James Holmes, John Rutlow, Mark S. Bruce and James
Judkins to divide the land mentioned in said suit, do
hereby make the following report, viz. that the land
being of less value than two hundred dollars, and
that it being impracticable to divide the same in kind
in three several parts in accordance with decre,
and recommending that said land be ordered to be
sold & proceeds be distributed to each party interested
as legally entitled.

November 21st 1870

W. R. Ruffin }
J. de Dornay } Commissioners
S. A. Kitchen }

Joyner &c

or

Joyner &c

Report of
Comm.

1870 Nov 22^o

Comm. Report

Report & Order

Joyner vs Joyner
To be entered
J. W. Wyzark Judge
June Term 1871.

To the Hon J W Weyburn Judge County Court of
Southampton County,

Your Comrs are respectfully
 Submit the following report in the case of Jaynes
 v. Jaynes viz:

Sale of land (of which I gave deed power to)	\$130.00	
Cost	\$10.00	15.986
Atty Fee	15.00	
5 percent Com on amt.	6.50	
		\$31.50
		\$98.50

you communicate further reports that
he would give bond to Woodson Scott
on a credit of six months with interest
from the 7th day of January 1871 except
sufficient to pay costs, taking bond
with security with the Homestead exemption
waived.

June 19th 1871

Reefy

K R. Haffner, Conn

On report of Commissioner R. R. Whipple of
Sale of land under decree of this Court -
in the case of Jaynes vs Jaynes, it is
hereby ordered that he retain the bond
mentioned in above report and collect
the same when due & make report to
this Court.

$$\begin{array}{r} 3130 \\ 500 \\ 210 \\ 50 \\ \hline 3910 \end{array}$$

1841 Aug. 6th

To the Hon J W Wrayhant Judge of the County
Court of Southampton County

You Commission respectfully submit the
following report in the Case of Joyner vs
Joyner

Am't of bond Collected

\$99.00

Int Six months

297

\$101.97

Am't paid out by Commission

To Comm app'd to report on land \$4.00

" Taxes paid Sheriff 2.00

" Am't paid Butte Joyce (distiller) 10.00

" Stamp on ^{Thom's Drugg} Deed to purchase 10.00

\$26.00

\$27.00 = \$27.00

Balance in hands of Com.

\$74.37

On report of Commission K. B. Clifflin
after Collection of bond for purchase price
of land sold under decree in Case of
Joyner vs Joyner it is hereby ordered
that he pay some to ~~the parties~~
under decree

J. W. Wrayhant Judge
Aug. Term 1871

Joyner }
vs } Report-
Joyner }

1872 March

Southampton County Court March, Term, 1872

Joyner } In Chancery: To the Hon Jos
Hoyt of the County Court of Southampton County.

Your Commission has been to submit
The following report in accordance with deed
under by the County Court of Southampton Co on
the day of 1871, directing him
to collect bonds of Wm Scott, & Wm Comp Smith
given by the said Wm Scott purchaser at your Com-
missioners sale of the land conveyed by Mrs Mary
Knassenburg to Elisha Elvin Joyner & his brother
and sisters, along with which report your Commission
submit the following bond which has been collected
& paid out to those entitled under a farm deed in this
Cause

One Bond for the sum of

\$99.00

Int- from 7th day of Jan 1871 to July 18th 1871

3 16

Said bond is marked "A" & filed as an exhibit
with papers.

\$102.16

Your Commission also

submit the following receipts of parties entitled

under deed as exhibits marked "B" & "C"

To Elizabeth A & Mary R Joyner \$62.98

To Thomas H Drake 31.00

To Commissioners Guffin, Kitchen, & DeBordun 24 each 6.00

\$99.98

Tax of

\$102.16 = \$102.16

Respectfully Submitted

K. B. Claffin

Comp

Scott & Camp
Bond

With interest from the 7th day of January 1871
we promise to pay, whenever the benefit of
the homestead law of Va on the 7th day of
July 1871 to H R. Ruffin Commissioner and
dean of Court. Over a tract of land of
which James Joyner did possess, the just
and full sum of Ninety Nine dollars, bal
of purchase money on ^{right} sale

J. H. Scott

Seal

~~John~~ W. R. Camp

Feb 20th 1871

Int to July 18th 71 \$3.16

"13"

Records of K. Blodgett's Commission in
Case of Joyner vs Joyner Thirty One
dollars in full of my share of proceeds of
Sale of land more due of ^{Courty} Court -
of Southampton County -

Aug 28th 1871

Witness H. Gifford

J. L. Mast A. Drake
mark

Jones Receipt

Recd of K. R. Shiffin Commissioner in C. of
Joynes vs. Joynes the sum of Seventy Two. ⁹⁸ dollars
in full of our share of proceeds of sale of
land made dec. of County Court of Scott Co.
Anpton County

August 26th 1871

~~Butler~~

Elyse ^{her} ~~with~~ ^{husband} Joynes
for self Mary L Joynes

John Commeyan further states that after receiving
and paying out the amount due by purchaser
he thereby executed his deed to said purchaser;
Therefore John Commeyan asks that this report
be confirmed & that he be relieved of any
further duties in the premises

Respectfully Submitted

W. H. Griffin
Clerk

Maspenburg } Deed.
to Eliza Elvin }
Corner, his } conveying land bounded by a new
brothers and sisters } line from a map & standing
children of James } in Bowler's Road to a pine a new
Jrner. } corner in James Council's line
thence along Council's line to
Harrison Beale's line" & thence
along Beales & et Matthew Williams line to the beginning.

Extract.

Henry S. Howard, D.C.

Joyner

to { Court bond

Joyner

Know all men by these presents that we H. R. Griffin & Isaac A. Kitchen

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Two 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 8 day of December A D 1870

The Condition of the above obligation is such that whereas by a decree of the County Court of Southampton County rendered on the 22 day of November 1870 in a suit in Chancery therein pending between Elizabeth A. Joyner

Plaintiff and
Defendants

Nancy Joyner & others
the above bound H. R. Griffin was appointed Commissioner to make sale of certain real estate in the said decree described

Now if the said H. R. Griffin shall faithfully discharge the duties of his said office or trust as Commissioner under the said decree, or under any other decree which may be rendered in the said suit then the above obligation to be void or else to remain in full force and virtue.

H. R. Griffin (Seal)
Isaac A. Kitchen (Seal)
(Seal)
(Seal)