

1875-17

Southampton County Chancery

Joyner, James (et als) vs Caroon, Pledge

gives Deed of Trust to secure Debts

Joyner, Edith E.
" Georgianna }
John W. } infants

Kindred, John J. Trustee
Daughtrey, Wm. H. Admin
ox;
Joyner, Elijah
Pretlow, Thomas J.
adm of Darden
Jonathan
Bryant, Benj. J.
Myrick, Wm. E.
Thomas, David H.
Cutler, Monroe
Bryant, Richard L.
Darden, James J.
Corbitt, James M.
Caroon, James R.
" Lydia E.
" Eugene E.

To the Hon. J. W. Waghart, Judge of the
County Court of Southampton County, Va.

Complaining shew unto the Court, your
Complainants, James Joyner and Edith E.
his wife, and Georgiana & Mrs. W. Joyner,
the last two being infants, suing by the
said James Joyner their next friend.

Your Complainants represent to the
Court and say, That Peleg Carron of the
said County, did on the 5th day of February
1861, execute a Deed of Trust to John J.
Kindred, Trustee for the purposes named therein
and as hereinafter referred to, conveying certain
personal & chattel estate, and real estate - which
Deed of Trust was duly recorded in the
Clerk's office of Southampton County Court
on the said 5th day of February 1861 - a duly
certified copy of which Deed is filed herewith
and marked "A", and prayed to be taken
as part of this bill -

That the said Deed was made
"In Trust to secure the following debts, to wit:
one bond due the late Elijah Joyner for about \$150;
One bond to Jonathan Leaden for about \$50, to
which Benj^r. J. Bryant is security - one bond
due James Barnes for about \$100 - one to
Mrs E. Myrick for about \$30 - one to David
H. Thomas for about \$30 - one Bond to Monroe

butler for about \$80, to which Richard Lewis Bryant, is security - also one bond for about \$90 to the said Richard Lewis Bryant, also to secure the said Benjamin and Lewis Bryant free from all loss and harm as surety for the said Carron for the guardianship of the said Carron's children executed in the clerk's office of the County Court of Southampton in the year 1857 or '58, also to secure a Bond for about \$35. due to the said Richard Lewis Bryant, also to save the said Benjamin and Richard Lewis Bryant free from all loss and harm in all instances in which they or either of them may be surety for the said Carron, to secure certain Bonds due James J. Carden for about \$150. - one bond to James M. Bartlett \$60 for about \$50 -

That in accordance with the terms of said deed, the said John J. Kinross, the Trustee aforesaid has made sale of the Land named in said deed, but declines to pay out the proceeds, alleging that he does not know to whom to pay the same - That some of the creditors are dead, and the amounts due by said Carron as guardian aforesaid are uncertain as also the Bonds or debts due by said Carron to which Benjⁿ & Richard Lewis Bryant are security.

J

your Complainants say, That Elijah Igner
is dead & W. H. Daughtry is his administrator -
That Jonathan Carden is dead & Dr. Thos. J. Putton
is his ~~executor~~ ^{administrator with the will annexed}. That said Carson was the
legally qualified guardian of his children,
to wit: Saml B - Mary L - Edith E -
James R - Lydia E - Eugene E. & Sarah -

That as such guardian he received for
each of said children (except Sarah) the
sum of \$38.57, on the 15th March 1858
from the sales of land under a decree
of Southampton County Court - That
Saml B. Carson was paid by his said guardian
after becoming twenty one year of age & died; so
also Mary L. Carson - That Edith E. is
now the wife of said James Igner - That
Sarah married Benj. Igner, both of whom
are dead, leaving two children the said
Georgiana & Mrs. W. Igner, now entitled
to the \$38.57, proceeds of land to which
their mother was entitled. The Bond for which
is due by said Peleg Carson, & Benj. I. Mich?
L. Bryant is filed herewith marked "B" -

Your Complainants pray that a com-
missioner of this Court may ascertain how
much is due and to whom, of the debts &
liabilities referred to in said Decree of Court
In consideration whereof and at this

John R. Kelly p. 4

107

Kilby p. 1

Las. Joyner wife &c.

n. } Bice

Pileje baron tal.

1872 June Rules

Co. Ct. Smith

Caroon

To } D Trust.

Hundred Trusted

'A''

This Deed made this fifth day of February in the year one thousand eight hundred and sixty one between Peleg Caroon of the first part and Ind. Kindred Trustee of the second part, Witnesseth, that the said Caroon grants and Conveys to said Kindred the following property to wit, the tract of land on which the said Caroon now resides containing two hundred and ninety two acres, more or less, bounded by the lands of Louisa Bryant, Thomas Everett & others one negro Girl Rachel, Stock of all kinds to wit, four horses, one yoke of Oxen, three cows and yearlings, five Sows and thirteen pigs, fourteen head of sheep and the increase of all the said several kinds of Stock, farming implements & utensils of all kinds, two carts & two pair of wheels, plows, hoes & one buggy & harness, one still & worm, apple mill & Cider press and Cider casks, household & Kitchen furniture of all kinds, tables, chairs, sideboard & Crockery ware & glass ware and all other household & Kitchen furniture, One clock, two guns, one bridle & saddle, Crops of Corn, fodder, Shucks, Peas, now on hand, also Stock of bacon and pork now on hand.

On trust to secure the following debts, to wit, One bond due to the late Elijah Joyner for about one hundred and fifty dollars, one bond due Jonathan Darden for about fifty dollars to which Benjamin J Bryant is security, One bond due James Barnes for about one hundred dollars, One to William E Myrick for about thirty dollars, one to David St Thomas for about thirty dollars, one bond to Monroe Cutler for about eighty dollars to which Richard Lewis Bryant is surety, also one bond for about ninety dollars due to the said Richard Lewis Bryant. Also to secure the said Benjamin and Lewis Bryant free from all loss and harm as surety for the said Caroon for the Guardianship of the said Caroon's children executed in the Clerk's Office of the County Court of Southampton in the year 1857 or 58. also to secure a bond for about thirty five dollars due ~~to~~ to the said Richard Lewis Bryant, also to save the said Benjamin and Richard Lewis Bryant free from all loss and harm in all instances in which they or either of them may be surety for the said Caroon, to secure certain bonds due James J Darden for about two hundred and fifty dollars, one bond due to James M Corbitt & Co for about fifty dollars, It is agreed by the parties hereto that in the event of a sale of the before mentioned property shall become necessary, a credit of six months must be given on
all

Sold - Witness the following signatures & Seals -

Pelge Caroon (Seal)
(Seal)

Southampton County. In the Clerk's Office, February 5. 1861
This deed of trust was acknowledged by Pelge Caroon a party thereto. and
admitted to Record.

Tested

L. R. Edwards Ck

Attest

Teste.

J. R. Tyler Ck

George
2nd
Carmichael

W. D. D.

Southampton County Court, July Term 1872.

James Jeynes & Edith E. his wife, Georgianna &
John W. Jeynes, the last two Infants by the
Said James Jeynes their next friend Plaintiff
against
Felice Carrow, Geo. J. Kindred, (Juries) Wm. H. Targhrey
son of Elijah Jeynes decd. Peter J. Fritter and
of American Garden decd. Edw. J. Bryant, Wm. E.
Merrick, David H. Skinner, Agnes Butler, Richard
L. Bryant, James J. Tardor, James M. Corbett &c.
James R. Lydie & Eugene E. Carrow
Defendants In Chancery

This Cause came on this day to be heard on the Bill of the
Complainants taken for Purpose as to the Defendants of whom
process had been duly executed and they still failing to
appear & answer, and on the exhibits filed with the
Said Bill and was argued by Counsel. On consideration
whereof the Court doth adjudge order and decree, that
jurisdiction of this Court take the following accounts -
1. An account of the transactions of John J. Kindred,
Trustee under the Trust of Trust executed by Felice
Carrow & referred to in the Cause?

2. An account of the Title Secured by the Trust
of Trust aforesaid & what's repaid to Court?

Attest
Jury
James R. Lydie &c.

Excluded on all parties except
James Dwyer, who is a nonresident of
my County

W. B. Briggs Sheriff

Dwyer
vs { Notices
Carson Jr

JERUSALEM, Aug 31 1872

To Jas. Joyner Esq. & his wife

Georgianna & Jas. W. Joyner the last

two infants by the said Jas. Joyner their next friends

Against

Peleg Learoon, J. J. Kindred (Trustee) W. H. Day, Henry
 Amos of Elijah Joyner, dec'd. Thos. F. Peckham Adm'r of Jonathan
 Darden dec'd, Benj. D. Bryant W. E. Magrick, David
 H. Thomas, Monroe Butler Rich^d L. Bryant, Jas
 L. Darden, Jas. McCorbet & Co. Jas. R. Lydia E.
 & Eugene E. Learoon

Defts

You are hereby notified that I have fixed upon the 17th day of Sept next,
 if fair, if not, on the next fair day thereafter, (Sunday excepted,) to take and settle, at my
 office, the following accounts, to-wit:

An account of the transactions of John
 J. Kindred (Trustee) under a Deed of Trust
 executed by Peleg Learoon,
 also an account of the debts secured
 by the Deed of Trust aforesaid

County
 required to be taken by a decree of Southampton Circuit Court, rendered on the 1st day
 of July Term 1872, in a suit in Chancery, depending in said Court, in which
 you are parties, plaintiffs, and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year
 first aforesaid.

John A. Schell Commissioner.

To the Sheriff of Southampton County to execute.

Commissioner's Office.
Journals Southampton Co. Va.
Dec. 16th 1872.

To The County Court
of Southampton Co.

Pursuant to a Decree of the County Court of Southampton County rendered at the July Term, in a suit in Chancery depending in said Court, in which J^{as} Dwyer & Edith E. his wife & others are Plaintiffs and Pelage Caroon & others are Defendants, the ~~fact~~ your Commissioner to whom was referred for settlement the following accounts, viz.

- 1st "An account of the transactions of J^{as} A. Kin-drell Trustee under the Decree of Trust re-sorted by Pelage Caroon referred to in the case"
- 2nd "An account of the debts secured by Decree of Trust aforesaid" report to Court that on the 31st Aug 1872 he issued notices to the several parties aforesaid requiring them to attend the settlement of aforesaid accounts, that they did attend in obedience to said notices whereupon he stated and settled the foregoing accounts, that he finds a balance due by Trustee of \$712.⁵² and the ^{total} amount of unpaid debts to be \$494.⁴² all of which with the Decree & notices is respectfully returned -

10.000's fee
\$15.00

J. Seabell
Clerk in Chancery

Acct. No 1

Relief Caroon, Grantor,

In acc with Geo. I. Kinross Trustee

1872

Dr

Cr

Jan 1	By sales of Real Estate			800 00
	To Commissions on 3000 5 per ct.	15 00		
	" " " 5000 2 per ct.	10 00		
	" paid Dr. Sebell services at sale	5 00		
	" " Geo. I. Kinross two trips to sale	20 00		
	" " " " " for writing Deed	5 00		
	" " Comr Sebell for preparing Deft	15 00		
	" " Taxes 1871	17 48		
	Balance due Trust Fund	712 52		

1873

\$800 00 800 00

Jan 1 By amount due Trust Fund
this day

712 52

Respectfully Submitted

Geo. A. Sebell

Comr in Chancery

Acct No 2

An account of Debts secured by the Deed of Trust executed by Peleg Laroon & Inc. I Kinred ^{Mistake} for the benefit of Ben J. Bryant R. L. Bryant & others.

1872	Dec 16	One Bond due Elijah Byner	\$150 00	
		" " " Jonathan Darden	50 00	
		" " " James Barnes	100 00	
		" " " Wm E. Myrick	30 00	
		" " " D. H. Thomas	30 00	
		" " " Monroe Cutler	80 00	
		" " " R. L. Bryant	90 00	
		" " " R. L. Darden	250 00	
		" " " A. M. Corbitt dec.	50 00	
		Amount due Saml B. Laroon	\$38 58	
		Int from March 15 th 1858 - 33 ^{cs}	71 64	
		Amount due Mary Laroon & Int.	71 64	
		" " " Edith E. Laroon & Int.	71 64	
		" " " Ida M. Laroon & Int.	71 64	
		" " " Lydia E. Laroon & Int.	71 64	
		" " " Eugene E. Laroon & Int.	71 64	
		" " " Georganna & Geo W. Byner		
		Children of Sarah Byner for		
		Merly Laroon & Int.	71 64	
		due R. L. Bryant surety		
		for Note due G. D. Cutler \$12.50		
		Int from Sept 20 th 1858 to day 10 th	23 18	
		due R. L. Bryant surety		
		on bond due D. H. Thomas		
		Collected of R. L. Bryant by Execution	38 58	
			1393 24	

Amounts brought over 1393 24

" due R. L. Bryant surety
on bond due D. Darden ^{for W. D. Byner}
collected under Execution of

R. L. Bryant — 19 88

Amount due R. L. Bryant, paid
by him on bond due W. E. My-
rick — 20 00

amount due W. E. Myrick 8 90

Note due B. J. Bryant 12.50

Int from Aug 1st 1853 — 13^{cs} 25 68

Total \$1467 70

All of the above debts have been paid ex-
cept the following —

Benj. J. Bryant	25 68
R. L. Bryant, as surety,	101 64
W. E. Myrick	8 90
E. E. Laroon (now Byner)	71 64 ^{pd}
Ida M. Laroon	71 64
Lydia E. Laroon	71 64
Eugene Laroon	71 64
Georganna & Geo W. Byner, Children	
of Sarah Byner formerly Laroon	71 64 ^{pd}
Total amt —	490 42

Respectfully submitted
No. 1 School

Cur in Chancery

Commissioner's Office
Jamaica, Southampton Co. Va.
Dec. 7th 1872.

To The County Court
of Southampton Co.

Pursuant to a Decree of the County Court of Southampton County rendered at this July Term, in a suit in Chancery depending in said Court, in which J. A. Boyner & Edith E. his wife & others are Plaintiffs and Pelage Caroon & others are Defendants, the ~~fact~~ your Commissioner to whom was referred for settlement the following accounts, viz.

- 1st "An account of the transactions of J. A. Boyner & Edith E. his wife & others under the Decree of Trust executed by Pelage Caroon referred to in the case"
- 2nd "An account of the debts secured by Decree of Trust aforesaid" reports to Court that on the 31st Aug 1872 he issued notices to the several parties aforesaid requiring them to attend the settlement of aforesaid accounts, that they did attend in obedience to said notices, whereupon he stated and settled the foregoing accounts, that he finds a balance due by Trustee of \$712⁵² and the ^{total} amount of unpaid debts to be \$494⁴² all of which with the Decree & notices is respectfully returned -

Commiss' fee
\$15.00

J. A. Seabell
Clerk in Chancery

107

Jognertatus

as *Eleman Rept*

Caromatatus

1872 Dec. 16th

Southampton County
 County
 W
 W

Joyner & Wife
 ~ } Sum Chy

Barrow &

1842 June Rules

Executed by delivering
 a copy to each

J. L. Barham
 J. L. Barham

14
 244
 31
 18.7

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU to summon *Peleg Caroon, John S. Caroon, Trustee, Wm H. Daughtrey, admr of Elijah Joyner, dec'd, Tho. S. Caroon admr with the will annexed of Jonathan Darden dec'd, Ben. Bryant, Wm E. Myrick, David H. Thomas, Monroe Butler, Richard L. Bryant, Jas. J. Darden, Jas. M. Caroon, Lydia E. Caroon, Eugene E. Caroon* 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 June next to answer a bill in Chancery exhibited against them in our said Court by James Joyner and Edith E. his wife and Georgiana & Chas. W. Joyner the last two being infants suing by the said James Joyner their next friend

And have then there this writ. Witness, *J. R. Tyler* ~~OSWIN WHITE~~, Clerk of our said Court, at the Court-house, this 22 day of May A. D., 1872, in the 96 year of the Commonwealth.

J. R. Tyler *bb*

John I. Kindred Esqr.

Dr sir you will please pay
to my Brother James N. Caroon the balance
that may be due me by you as Trustee
H. on sale of my fathers land and you
will very oblige your friend H.

February 8. 1873.

Eugene E. Caroon

Witness —

Richard L. Bryant

Received March 18th 1872 From Mrs J.
Kindred Trustee in a Deed of Trust from
Leleg Caroon the sum of seventy dollars
in part payment of the amount secured
to be paid to me by said deed of Trust.
due from said Caroon as my guardian
Witness

E R Story

James M. Caroon

Received April 15th 1872 of Mr
J. Hendred fifty dollars (\$50.00) as
a credit on the within -
James N. Larson

James Larson
Receipt \$50.

John J. Kindred Esqr.

Dear Sir. you will please pay
to my brother James N. Caroon the amount
that may due me by you as trustee &c,
from sale of my fathers land his re-
ceipt shall be good against me for
the amt.

Respectfully

Eugenie C. Caroon

April 15- 1872.

P. S. if you will write a receipt for me
to assign & send it to me on court day
I will assign it & send it to you and take
in my brothers receipt Eugenie C. Caroon

1873 Jan. 21. Recd. of Mrs. J. Kindred
Trustee for P. Leamon, the sum of
sixty five dollars & fourteen cents,
Execution for cats in Cty. of Kindred of
Hyper N. Kindred, Trustee; Leamon
Sal.

\$65.14 John R. Kelly p. v

1873 Jan. 21. Rec^d. of Jno. J. Kinross
Trustee for P. Carson the sum of seventy
one dollars and sixty four cents, in
full of Execution on return of Southampton
County Court of J. J. Kinross
Trustee, Carson vs. the amount unpaid
is due E. E. Carson (now J. J. Kinross) John R. Kelly, p

71.64

Joyner & al

vs $\frac{3}{3}$

Learned, Trustees

Kilby's Receipts for
Georgianna Joyner
&
E. E. Joyner
& costs

Carson

Balance in Kinross hand \$ 712.52

Paid cuts under lease \$ 65.14

" E. E. Carson (Cryer) 71.64

" Engle and Son

W Cryer

\$ 71.04

\$ 208.42

214.92
423.34 = 423.34

\$ 289.18

71.64
3

214.92

Doynes Snipe

4

Common Jack

2 Solitaires with

Bird

On demand the 15th day of June 1858. we promise to pay
to Jm B Shaw as Comptroller the sum of thirty eight
dollars and fifty cents for the payment whereof
will and only to be made as time and time as
witness our hands and seals this 15th day of October 1857.

Delegado
Richd. S. Brown
Sargent

Joyner et al
vs

Caroon's Trustee

Receipts of
J. Norman Caroon
Eugenie E. Caroon
Lydia E. Caroon
Sal.

1.64
21.64
71.64
94.92

1873 February 8th - Received of
Hon J. Kinderd Trustees, the sum of
one dollar & 64 cents in full for
balance ~~due~~ on Execution
due to me ~~individually~~, in Decree
of Southampton County Court in
suit of Lyner &c vs Kinderd
Trustee Caroon & al, making in
all the sum of \$71.64 cents paid
to me - also received same the
sum of \$21.64 cents as agent for
my sister Eugenie E. Caroon
making in all the like sum of
\$71.64 cents -

Also received from same the like
sum of \$71.64 cents (Seventy one
dollars & 64 cents) as agent for my
sister Lydia E. Caroon

Witness my hand this day first written
Richard L. Bryant James N. Caroon

Joyner &
r

Leavenworth, Kansas
r

1878

Nov. 27

Final series
to be entered

Geo. B. Scott,

Joyner n.

n

Carson, Kindred Trustee &c

This cause came on this day to be again heard on the papers formerly read & on the report of John J. Kindred, Trustee, made under decree of December Term 1872 of the County Court of Southampton County - to which report there is no exception taken except by Counsel. On consideration whereof the Court doth confirm the said report and doth adjudge, order & decree that the proceedings had in this cause be confirmed, nothing further remaining to be done herein, it is ordered that this cause be removed from the Docket.

Joyner &
n.

Baron &

1892

July

ct.

Decree

To be entered.

W. M. Joyhart Judge.

Syner & Co

vs

Carson & Co.

This cause came on this day to be heard on the ~~first~~ Bill of the Complainants taken for confessed as to the defendants, on whom process has been duly executed, & they still failing to appear & answer, & on the Exhibits filed with the said Bill was argued by counsel; On consideration whereof the Court doth advise, order and decree that a Comr of this Court, take ~~the~~ following accounts, 1st an account of the transactions of John J. Kinder Trustee under the Deed of Trust executed by Peleg Carson referred to in the case 2^d an account of the debts secured by the Deed of Trust, aforesaid, and make report to Court

Lyner Surber

7

Canon Val.

1872

Gov Co. cl

Decree

To be entered

J. W. Myer

Judge

(204 cts.)

Joyner &

vs.

Carson & Kinross, Trustees &

This cause came on this day to be again heard on the paper formerly filed & on the Report of Jas. L. Seiler Comr, made pursuant to the decree of the July Term 1872 of this Court - To which report there is no exception, and was argued by Counsel. On consideration whereof the Court doth confirm the said report, doth adjudge order & decree that Mr. J. Kinross, Trustee, out of the sum of \$712.52 in his hands, as appears by account no 1. of said Comr Seiler's report, pay first the Cts of this suit, and then pay as follows - To Benja J Bryant \$25.68, To R. L. Bryant as surety \$107.64. To Geo E. Myrick \$8.90 - To John P Kelly atty for E. E. Carson (now Joyner) ^{Special} \$71.64, ^{you deduct & sixty four cents} To Jas R. Carson \$71.64, To Lydia E. Carson \$71.64. To Eugene Carson \$71.64. To Mr. P Kelly attorney for Georgeana & Mrs W. Joyner \$71.64, make report to Court, and hold the Residue of said fund subject to the order of Court.

Myer &
n

Leamon &
Kinross Trustees
Sal.

Report of
Payments

To the Circuit Court of Southampton County.

Pursuant to the decree of said Court
made in the cause of Joyner against
Kinrod Trustee &c. at the December Term
1872 of the County Court of said County, he
reports to the Court

That he has paid to the
several parties named in said decree
the amounts due them respectively as
well as seen by their receipts filed herewith

Respectfully submitted

J. I. Kinrod
Commissioner

~~72~~ 75/69

Joyner gully g^d

~ } Stat. Rules.

Barrow g^d

Received by Clerk Circuit
Court Aug. 13th 1873.

In Southampton County Court.

James Joyner & Edith his wife & Georgianna & John W. Joyner the last two
infants by the said James Joyner their next friend
against

Deleg. Aaron John J. Kindred, Trustee, Wm. D. Laughlin, admor. of Elijah Joyner dec'd
Thomas J. Preston, admor. with the will annexed of Jonathan Darden dec'd Benjamin J.
Bryant, Wm. E. Myrick, David H. Thomas, George Butler, Richard L. Bryant, James V.
Darden, James M. Corbett &c. James R. Carver, Lydia E. Carver & Eugene E. Carver

1872. May 22^d. Summons ret. Ess. J. Spaid
June R. Summs. Ret. Executed. Bill filed. D. Miss. & Dfts.

July - " Bill taken for confessed & cause set for hearing -
" J. Decree for acct.
Dec 16 Rept:
Decr " Decree 1st for Piffs

1875 Nov J. Report of decree removing cause from Docket