

1888 - 06

Southampton County Chancery - Toyner, Amy et al. - vs Griffin, Mary S. et al.

* plat
inside

partition of land

Toyner, Bettie
" , Charlie

Alcomb, James
" , Melinda

Griffin, Samuel
Toyner, Amelia
" , Walter J.

By { Toyner, Romine
McLemore, B. F.
G. A. W.

Joyner & others ¹¹⁸

vs } Bill & Exhibits

Griffin & others

To the Hon. C. H. Hill Judge of the Circuit
Court for Southampton County Va

Humbly complaining your orators
Amy; Amelia; Walter J; Bettie and
Charlie Joyner, James Alcum; and Malinda
his wife + Samuel Griffin show unto
your honor that Lazonus. Cobb and W^m
J. Griffin were seized and possessed
as tenants in common equally of a tract
of land containing some ninety acres
more or less. lying adjacent to the lands
of Ely. Bryant. Geo. Lawrence and others
that said land has never been
divided. That sometime in the year 1855
Lazonus. Cobb departed this life testate
by his said will which was duly
admitted to record sometime in 1866. he left
his interest in said land to Amy;
Amelia; Mathew and Elizabeth Joyner;
all of which will more fully appear
from a copy of said will herewith
filed + marked exhibit No I and
prayed to be read as a part of this
bill. That Elizabeth Joyner married
W^m. J. Griffin and has since ^{x intestate} died x
left one child Mary S. Griffin - a
minor. That Mathew Joyner has since

died - (about year 1880) intestate and left following children. Walter J. Joyner Malinda now married to James. Alcum Bettie Joyner. Charlie Joyner and Romine Joyner. The last named a minor. That sometime in the year 1880 Wm. F. Griffin departed this life intestate & leaving the following children. Samuel Griffin a son by a former wife and Mary S. Griffin (a minor) daughter by his wife Elizabeth Joyner. That the said Lazams. Cobb and Wm. F. Griffin died seized and possessed equally of aforesaid land and without having divided the same and that it has not been divided since their deaths; that they owed no debts. Your orators now wish partition to be made of said land among the parties entitled thereto

In tender consideration whereof and inasmuch as your orators are without relief. save in a court of equity where matters of this and of a like nature are alone and properly cognizable. your orators pray that the two infants Mary S. Griffin and Romine Joyner by some fit and proper

person this Guardian ad litem. appointed
ed for that purpose; may be made
parties defendant to this bill and
compelled to answer all the allega-
tions herein contained as if they
were thereunto more particular and
specially interrogated. That the
court will decree that the said
real estate be divided between
the parties aforementioned according
to their rights and your orators' por-
tions allotted to them &c and that
the court will grant such other
further and general relief as the
nature of the case may demand
or to equity seem meet. As in
duty bound your orators will
ever pray, may it so please
the Court &c

Shands & Son h.g.

In the name of God Amen
I Lazarus Cobb of Southampton =
pton county Virginia being of
sound mind though weak and
feeble in body do make and
ordain this my last will and
Testament - (Viz)

1st - All my rite title & Interest in
the tract of land my Mother
lives on, I give to my half Bro-
ther and three half sisters that
is Mathew Joyner, Fanny Joyner
Amelia Joyner & Elizabeth Joy-
ner; my wish is that said
land shall remain as it is
until my half sister Elizabeth
Joyner becomes of age, and
then for it to be divided equal-
ly between them.

2nd - My gun I give to my half Bro-
ther Mathew Joyner.

3rd - And lastly the remainder of
my Estate I give to my Mother
and her four children by
Mr Joyner for their mutual benefit.
In Testimony where of I have here-
unto affixed my hand and
seal this 1st day of August 1849.

signed sealed & delivered in pres-
ence of

John L. Bishop
Fanny Joyner
Lazarus ^{his} Cobb
mark

At a Court held for the County of
Southampton on the 18th day of Oct-
ober 1866. This last will and Testa-
ment of Lazarus Cobb dec^d was
this day proved by the oath of
Fanny Joyner - one of the sub-
scribing witnesses thereto, and
John L. Bishop the other subscrib-
ing witnesses thereto being dead,
Thos H. Ingraham being sworn
and examined, says he was
well acquainted with the
hand writing of the said
John L. Bishop and verily be-
lieves that the name of the said
John L. Bishop is wholly in
the proper handwriting of the
said John L. Bishop - and there-
upon the said will is ordered
to be Recorded.

Teste. L. R. Edwards c.
A Copy. Teste: B. F. M. Leman c.c.

Will of
Lazarus Cobb.

a copy-

Joyner + others
vs }

Griffin + others

answer of the two
infant defendants by
B. F. McLenore their Guar-
dian ad litem

To The Honorable C. H. Hill Judge of the Circuit
Court for Southampton County Va

The joint answer of the two infant defen-
dants Mary S. Griffin and Romine Joyner
by B. F. Mc Lemore Their Guardian ad litem
to a bill in equity filed in the Circuit
Court of Southampton County Va by
Joyner et als against them

This defendant for answer to the said
bill or as much thereof as he is advised
it is material for him to answer, an-
swering says he knows nothing of the
facts set forth in the plaintiffs' bill. but
submits the intent of his words to the
care of this Court. whose peculiar duty
it is to protect the rights of infants
and having thus fully answered, he
prays hence to be dismissed with
his costs by him in this his behalf
expended

Signed B. F. Mc Lemore

Guardian ad litem
Shands & Son Ld.

Joyner + others
vs J Deese
Griffen + others

To be entered
Nov Term 1887
C. Motie

Entemo. 264

division thereof along with their report
to await the

Joyner & others
vs } Decece
Griffin & others

This day this cause come on to be heard on the plaintiffs' bill and exhibits filed therewith. The answer thereto of the infant defendants Mary S. Griffin and Romine Joyner by B. F. McLenore their Guardian ad litem and general replication thereto and was argued by counsel. On consideration whereof the court doth adjudge order and decree that A. W. Edwards, J. C. Hills; and Geo. W. Lawrence who are hereby appointed special commissioners for that purpose. shall after having first given due notice to the parties interested of time and place proceed to divide by meets & bounds the tract of land whereof Hazen. Cobb & Wm. T. Griffin died seized and possessed. And allot to Samuel Griffin $23\frac{85}{100}$ acres, Allot to Walter J. Joyner maid a wife of James Allen, Bettie Joyner, Charlie Joyner and Romine Joyner $11\frac{92}{100}$ acres to be held jointly by them allot to Mary S. Griffin $35\frac{77}{100}$ acres. and allot to Amy & Amelia Joyner $23\frac{85}{100}$ acres to be held jointly by them, and return a plot of said land and

Joyner + others
vs } Deene
Giffen + others

May Term 1888
To be Entered.
C. W. Allen

Joyner + others }
vs } Deerce }
Griffen + others }

This day this cause came on again to be heard on the papers formerly read and upon the report of Commissioners of division of the lands of Hazons both died and Wm. T. Griffen died among the parties entitled thereto to which report no exceptions have been filed and was argued by counsel on consideration whereof the court doth adjudge and decree that the said report be confirmed and there being nothing further to be done in this cause it is ordered that the same be removed from the docket

Joyner et al vs. Griffin et al.

Summ ²⁰	two copies ²⁰	Receipt ¹⁸	~~48~~	
Atty ¹⁰	Docketing ¹⁸	two Rules ¹⁰⁰	1 28	
Entering return ³⁵	filing bill ¹⁵		50	
Copying Ex ⁵⁰	filing same ¹⁵		65	
fil. ans ²⁵	fil report ²⁵		50	
two decrees & cop. ¹⁵⁰			1 50	50 3
bring away papers 25-	lay out 40			<u>65</u>
Blk		5	5.68	
Shlf			1 00	
Law fr.			16 50	

Joyner & al:

to Sum

Griffin & al

1887. Oct. Rules

Cir: Ct.

Executed Sept 26th /87
by delivering a copy of
the within Summons to
B. F. McLean.

J. W. Williams Sheriff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

*Mary J. Griffin and Remond
Joyner - two minors - by B. F. M. Lemore Esq ad litem*

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be
holden for the said Court on the first Monday in *October* next, to answer a bill in
chancery exhibited against *them* in our said Court by *Amey Joyner, Bettie*

*Joyner, Charles Joyner - James Alcomb & Malinda his wife
and Saml Griffin*

And this *they* shall in no wise omit; and have then there this writ.

Witness, *B. F. M. Lemore*
J. B. Prince, Clerk of our said Court, this *24* day of *Sept*

188*7*, in the *112* year of the Commonwealth.

Testo:

B. F. M. Lemore

C. C.

Joyner & others
} Report of Commissioners
vs } in regard to division
} of land &c
Giffen & others

1888. Apl 30. filed.
B. F. M. cc.

1
To the Hon. C. H. Hill Judge of the Circuit Court of
Southampton County Va

Your undersigned
Commissioners beg leave to report that in pursuance
of a decree rendered at the Nov Term 1887 of this
Court in the chancery cause of Joyner & others
vs Griffin & others they made, after having thor-
oughly examined the said land - the following
division of the lands of Lazarus Cobb and
Wm J. Griffin dead among the parties entitled
thereto. To-wit. We allot to Samuel Griffin $23\frac{85}{100}$ acres,
we allot to Walter J. Joyner, Malinda wife of James
Alcum, Bettie Joyner, Charlie Joyner & Romine Joyner
 $11\frac{92}{100}$ acres to be held jointly by them, we allot to
Mary S. Griffin $35\frac{77}{100}$ acres. and we allot to Amy
and Amelia Joyner $23\frac{85}{100}$ acres to be held jointly
by them. and we herewith return a plot of
said land. which fully shows & explains the
said allotments. and which plot we ask to read
& as a part of this report. We think the aforesaid
allotments are perfectly fair and right
all of which is respectfully submitted by

Geo. W. Lawrence

W. Edwards

J. B. Hill

Commissioners

Joyner & others
124

Stat: Rules

Griffin & others

Amy Joyner. Bettie Joyner

+ Melinda his wife and Saml. Griffin. Pluffs

77

Mary S. Griffin & Ramona Joyner

Exon ad litem.

Deft

1887. Sept 24. Same to Oct: Rules

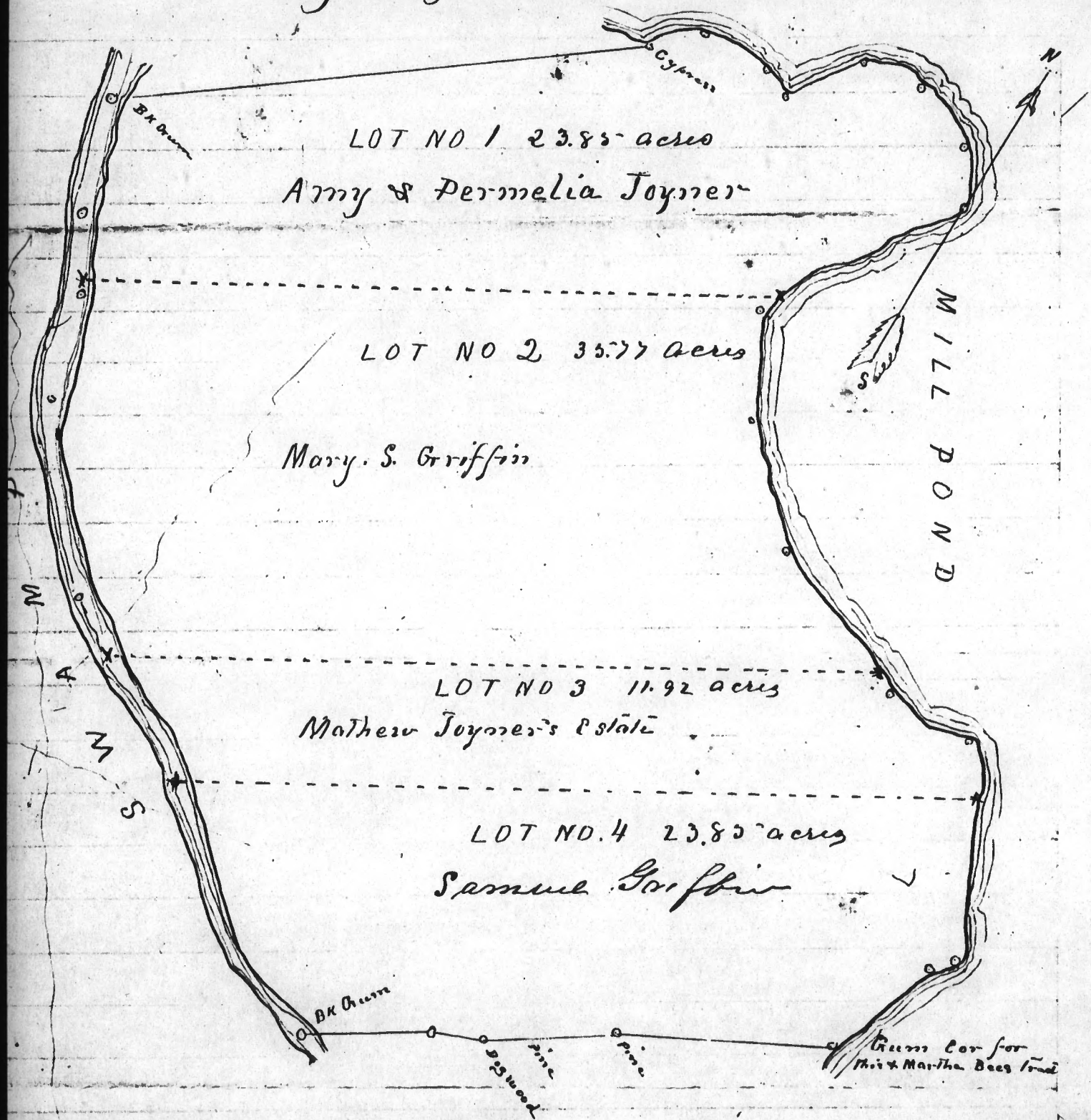
Oct. Rules: Sum: rets Executed - Bills & Ex. filed

answer of Gov and letters filed.

" New " ~~Dysentery~~ ^{Diarrhea} Can't sit for hearing.

~~Dogon Hill & paddy.~~

MAP of LANDS of AMY JOYNER and OTHERS



Notes —

Beginning at a gum in swamp a cor for this tract on Eli Bryant-Thomson road to a cypress on Mill pond thence along high water mark to gum a cor for this & Martha Dees tract thence S 61° W 7.90 ch to Pine thence S 55° W 9 ch to Sycamore thence S 62½° W 1.20 ch thence S 56° W 4.40 to Blk gum in swamp thence centre of swamp to beginning. Containing 95.35 acres
J. L. Dees Surveyor