

1893 - 83

Seventhampton County - Chancery Wills, Mary E. vs Jagers, J. J. et al

"to exchange 2 parcels of
land"

Jagers, W. H.

Wills, Charlie

Wills, Kate

Wills, Sallie infants

Wills, Mary

Wills, Patten

~~96~~ ~~125~~ ~~101~~
May E. Wills et al.

vs $\frac{1}{2}$ In chancery

J. G. & W. H. Joy nrs et al.

~~87~~ ~~80~~ ~~81~~
Complainants Bill

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To the Hon. George Snow Judge of the Circuit Court of Southampton County:

Your complainants, Mary E. Wills and John T. Wills her husband, humbly complaining doth shew to your honor:

That your complainant Mary E. Wills and her children own a tract of land in said County of Southampton containing 80 acres as will more fully appear by an extract from the records of the clerk's office of the County Court of said County herewith filed marked "A" and pyed to be taken as a part of this bill - that your complainant wishes to exchange said tract of land for another tract containing 124²⁰⁰ now owned by J. J. & W. H. Jyner lying and being in said County - it being the land devised to said Jyners by W. B. Jyner a fuller description of which more fully appears by another extract marked B, and pyed to be read as a part of this bill - the children of said Mary E. Wills are Charlie, Sallie, Kate, May and Pattie Wills infants under the age of fourteen years -

Your complainants charge and allege that said exchange will be to the interest of said infant children because the last named tract of land is larger and

better suited for agricultural purposes by which means you said complainants support their large family - that said exchange has in fact been made that no difference is paid by any one, that the exchange is fact for fact.

And where as you complainants are ~~separately~~ ^{separately} ~~separately~~ ^{separately} in a court of Equity where such matters are properly cognizable, they pray that said J. J. Joyner, ~~with~~ ^{W. H.} Joyner, Charlie Wills, Kate Wills, Sallie Wills, May Wills and Pattie Wills the last five being infants under the age of twenty-one years be made parties defendants to this bill and required to answer the same on oath, that a guardian ad litem be appointed to protect the interest of said infants, that process may issue, that said exchange of lands be ratified and confirmed as to said infants, that a Special Commissioner be appointed by this court to join in a deed of conveyance with said complainants to said J. J. & W. H. Joyner or to either of them, that the said Joyners ~~conveying~~ ^{conveying} at the same time said last named tract to said Mary E. Wills and her children in the same manner and right as the first

Now that now stands to them, that
all accounts be taken. and expenses directed
as the nature this case may require, that
all other, further and general relief be
afforded your complainants as the nature
this case may require or to equity I shall
deem meet - and they will ever say &c.
Let a Subpoena go.

W.S. Holland
p. q.

Kills

Sum

Joyner, et. als.
1886. April Rules
lev: let.

Executed March 28th
1886 by delivering to
Jasen Joyner, Wm
Joyner & Charles
Kills a copy of the
within summing

G. W. Vick
Shff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*Jason Joyner. Wm Joyner &
Charlie Wills, Sallie Wills. Kate Wills Mary
Wills and Pattie Wills. last four, infants, under
the age of twenty one years -*

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 *April* next, to answer a bill in Chancery exhibited against *them*
in our said Court by

*Mary E. Wills and John A.
Wills, her husband*

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this *16* day of *March*, 188*6*,
in the *110* year of the Commonwealth.

Testo. J. B. Prince C. G.

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Phillips J. C.

or

Stal: Puler

Joyner J. C.

In Southampton Circuit Court.
Mary E. Mills and John J. Mills
her husband. Plffs

 against
Jason Joyner, Wm Joyner, Charlie Mills
Pattie Mills, Kate Mills, Mary Mills,
and Pattie Mills, last five infants. Defs

In
Chancery.

1886.

March 16.

Summons to Aple Rules.

Aple Rules.

" ex^{to} on adults. Bill Exhibits filed. B. F.

McLennan assigned Jon as letter to infant
defts. Answer of Infants by Jon as letter filed.

Sent replication. Deere nisi on adults.

May ..

Bill taken for confessed as to adults and
Cause set for hearing.

wilky et al.

1781

for the et. al.

Depositions

I, B. F. McLeannan, a Commissioner of the Circuit Court of Southampton County in the state of Virginia do certify that R. M. Stephenson, a prominent citizen and property owner of Southampton Co. well known to me, personally came before me at my office being duly sworn, said that he is 58 years old, that he is a farmer and Merchant by occupation, that he is well acquainted with both the Jayner and Wills Tracts of land in the bill mentioned, living in the same neighborhood, that the trade or exchange will in his judgment and opinion be greatly to the advantage of said infant children ~~than~~ the Jayner tract is much larger in area and is a better form - that he has no idea that the trade could be made except that the "wills place" is never the place of business of said Jayners who are in the mercantile business and is not a place suitable for a business stand, given under my hand as Commissioner in Chancery of the Circuit Court this 6th day of May 1886.

R. M. Stephenson -

B. F. McLeannan

Com'r in Ch'cy

We the undersigned citizens of Southwestern
County certify that we have read the affi-
davit of Mr. R. M. Stephens and here to
are vexed and we fully concur
and agree with him as to said infant
child's interest in the lands mentioned.

6 May 1886

L. F. Boykin

Wm H Wood

And we the defendants consent to the taking
and filing the above affidavits and
certificates

6 May 1886

J. J. Jayner

W. H. Jayner

~~Mr~~ E. wills it at
~~for~~ for chunkey
J. J. & W. H. Joyner at

Exhibit - A
11

This deed made the 29th day of May 1878.
between R. A. Bristol of one part, and Mary
E. Wills, wife of Jas. J. Wills, and her children
of the other part. Witnesseth, that in consider-
ation of \$600.⁰⁰ the said Bristol doth grant
and convey with general warranty unto
said Mary E. Wills and her children a
certain piece or parcel of land, containing
80 acres, more or less. Known as the "Hodmes
tract" - lying near the village of Berlin, on
the Jerusalem & Dor road.

Extract:

Testo. L.B. Price bly.

Jason J. and Mrs. H. Joyner own 124 acres
of land. formerly W.B. Joyner's land.
given to J.J. & W.H. Joyner by wife of W.B.
Joyner. -

L.B. Price

May E. wills et. al.

vs { In chancery

J. J. & W. H. wills et. al.

Infants answer by
B. F. McLeishman, guardian
ad litem ———

Mr. M. Pleon
sign this paper.

The joint and separate answer of Charlie Wills, Fannie Wills, May Wills, Kate Wills and Fattie Wills infants under the age of 21 years by B. F. McLennan their guardian ad litem assigned to defend them in this suit to a bill of complaint exhibited against them and others, in the circuit court of Southampton County, by Mary E. Wills and John T. Wills:

These respondents reserving to themselves, the benefit of all just exemptions to the said bill, for answer thereto, or to so much thereof as they are advised that it is material, they should answer, by their said guardian ad litem, answers and say:

That they are infants, of tender years, and by reason of their infancy, are incapable of understanding or of taking care of their rights and interests. They, therefore, by their said guardian, commend themselves and their rights and interests to the protection of the court, and pray to that no decree may be pronounced which will tend to their prejudice.

And having fully answered, the said respondents pray to be hence discharged with their reasonable costs, in this behalf expended, and they will ever pay, &c.

B. F. McLennan
Guardian ad litem for Charlie,
Kate, Fannie, May and Fattie Wills infants —

with itself.

as to the duty

you are to do

done

1886 my dear

to be entered

Geo. B. Brown

✓

we agree that this done
be entered 2. —————

20 May '86 -

J. J. Gayner

W. H. Gayner

has been - that John J. will pay the
cost of this suit - ~~that~~ that said Mr. Brown
summarily refers to court —————

Wills et al

vs

Joyner et al

This cause come on this day to be heard on the bill of Complaint taken for confessed as to the adult defendants, on exhibits filed and on the deposition of R. M. Stephenson this day filed by consent of parties, on the answer of the infant defendants by their Guardian ad litem and was argued by Counsel on consideration whereof the court doth order approve and decree that the exchange of lands in the bill mentioned between J. I. Joyner and W. H. Joyner of the one part and John T. Wills and wife and her children of the other part be and the same is hereby ratified and confirmed, that W. S. Hollant who is hereby appointed a Special Commissioner for that purpose make and execute a good and sufficient deed with special warranty between the parties foresaid conveying the lands now belonging to said John T. Wills and Mary E. Wills his wife and her children to said J. I. Joyner and W. H. Joyner jointly and conveying the lands now owned by said J. I. Joyner and W. H. Joyner to said Mary E. Wills and