

1894. 11

Southampton County Chancery - Pretlow & Co.

vs

Toyner, John of Wiley state

Sues to collect debt
by having rent of property
diverted to Co.; if not
enough then sell property

Pretlow, John Jr.
" , S. B.
" , T. D.
Moore, M. H.
Pretlow, R. A.

Williams, J. W. (adm.)

Toyner, Frank

" , Wiley

" , John H.

" , Fannie

" , Rebecca

" , Richard

Peterson v Co.

v. { Bill v Ex

James Adams v. Co.

2 Feb. 1861

V copy of Adams v. Co.

JAMES L. MCLEMORE,

Attorney-at-Law,

COURTLAND, VIRGINIA.

Printed by Webb & Co., Stationers and Printers, Richmond, Va.

To.

The Hon. C. W. Hill Judge of the
Circuit Court for Southampton County.

In Chancery:

Your complainants Jno. Pretlow jr.
J. B. Pretlow, J. D. Pretlow, M. B. Moore and
R. A. Pretlow merchants and partners trading
as Pretlow & Co. who sue for the benefit of
themselves and all the other creditors of John
Joyner of Wiley, died. who will come in and
bear their share of the costs of this suit. re-
spectfully represent that sometime during the
year 1892. John Joyner of Wiley, departed this
life leaving the following children as his dis-
tributors and heirs at law. to wit: Frank, Wiley,
Jno. H., Fannie, Rebecca and Richard Joyner, all
of whom are adults..

That at the time of his death the said
John Joyner of Wiley was seized of a small
tract of land containing 10 acres situated near
Franklin Va. in this County, and a very small
personal estate; that at the January Term of
the County Court his estate was committed to
the hands of J. H. Williams Sheriff of Southampton
County to be administered as will appear
from a copy of the Order herewith filed. marked
"Z" and prayed to be made a part of this bill;
that the personal estate coming into the hands of
the said Williams Off. and Administrator is rather

insufficient to pay the debts, scarcely being sufficient to pay the costs of administration.

That at the time of his death the said Joyner was indebted to your orator by bond dated Aug. 13th. 1889. for the principal sum of \$76⁴⁸ subject to credit of \$5⁰⁰ Dec. 4. 1889. \$23⁶⁶ Febry 5. 1890. \$13⁴⁷ Apr. 23/91. + \$2⁵³ Apr. 10. 1891. all of which will more fully appear by reference to the said bond filed herewith as Exhibit "X".

There being not sufficient personally to liquidate your Complainant's debt, they are advised that their only remedy will be in subjecting the real estate; the rents and profits from which they do not believe will in five years pay the debt outstanding against the same. and therefore they make this charge.

In tender consideration whereof and for as much as your orators are without remedy save in a court of Equity where matters of this nature are alone and properly cognizable to the end therefore that justice may be done, they pray that J. W. Williams Sheriff and as such administrator of John Joyner of Wiley, decd. Frank, Wiley; Geo. D. Fannie; Rebecca and Richard Joyner, be made parties defendants to this bill and required to answer the allegations contained in the same; that all proper accounts may be directed; that

the estate of the decedent may be applied
to the payment of his debts as their priorities
may appear, and especially that your orator's
debt may be paid; that should the personal
estate be insufficient, then the real estate
be subjected; that ^{all such} further general and
specific relief may be granted your orator
as the nature of this case may require or
to equity may seem meet.

And your Complainant will ever pray.

May it please the Court.

J. L. McLeone Jr.

Frederick & Co ²⁰⁴

Stat: Rules-

Jayner's Admin & also:

2 Feb

John Pettow. Jr. S. B. Pettow.
J. D. Pettow. M. H. Moore &
R. A. Pettow. merchants and
partners trading as Pettow & Co. *Pett*

Against
J. H. Williams, Sheriff and as such
Adm of John Joyner of Wiley, dec? -
Frank Joyner. Wiley Joyner.
John H. Joyner. Fannie Joyner
Rebecca Joyner & Rich? Joyner. *Def*

1893. Feb. 7. Process to 1 Mich Rule:

" 1 Mich R. Process Executed. Bill & Ex: filed.
decre nisi

" 2 " " Bill taken for Confessed and
Cause set for hearing.

COMMISSIONER'S OFFICE,

Southampton. Sep 27
~~Lawrence~~

1893

To the Creditors of the Estate of

Geo. Joyner

deceased, and all others concerned.

You are hereby notified, that at the request of *that by decree of the Cir: Ct. of South-*
ampton County entered at the May Term 1893.
~~Administrator of the estate of the said~~ *deceased,*

I have appointed the *18* day of *October* next, at my Office, for receiving proof of debts or demands, against the said decedent or his estate, at which time and place you are required to attend.

Given under my hand, as a Commissioner of the County Court of Southampton County, the day and year first aforesaid.

B. J. McLenore

Commissioner.

Southampton Circuit Court: May Term 1893.
Pillow & Co.

versus

3

Decree

Joyner's Admr et al:

This day this Cause came on again to be heard, on the Bill & Exhibits filed. Process returned executed, the Bill taken for confessed, and was argued by Counsel.

On consideration whereof the Court doth adjudge, order and decree that this cause be referred to one of the Comrs of this Court with instructions to take the following accounts, to wit: 1st An account of the transactions of J. M. Williams Admr. of John Joyner decd. 2nd An account of the debts outstanding against the said decedent with their priorities. 3rd. The amount & fee simple value of the real estate of which the said decedent died seized & possessed, & whether the rents & profits of the same will in five years pay the debts outstanding against the said Jno Joyner's Estate. 4th Any other matter specially stated deemed pertinent by the Comr., or required to be stated by any interested party, all of which the said Commissioner will report to Court in order for future decree.

Pullow & Co
v  Notice

Joyner's Adm & al:

1893. Oct. 18.

Executed Oct. 14th 1893
By delivering a copy of
this notice to each of
the within named
parties except J. H. Joyner
who is not a resident of
this County.

R. J. Williams dep
for J. W. Williams
J. W.

Commissioner's Office,

Jerusalem, Va., Oct 2nd 1893.

To Trellow & Co. ^{and} J. H. Williams Shff &
Admr of John Joyner (of Wiley) Frank Joyner.
Wiley Joyner - John H. Joyner - Fannie
Joyner - Rebecca Joyner & Rich^d Joyner.

You are hereby notified that I have fixed upon the 18 day of October
next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office,
the following accounts, to wit:

- 1st An Account of the transactions of J. H. Williams
Shff & Admr of Mrs. Joyner (of Wiley)
- 2^d An account of debt against the estate
of said decedent. with their priorities.
- 3^d - An account of the real estate whereof Mrs.
Joyner died seized, its actual and annual
Value - and whether the rent and profits
thereof will, in five years, pay the debt against
the said Mrs. Joyner

required to be taken by a decree of Southampton Circuit Court, rendered at the May
term, 1893, 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 said Court, the day and year first
aforesaid.

B. A. McLenahan

Commissioner.

To the Sheriff of Southampton County to execute.

An account of the debts outstanding against
the Estate of John Joyner, of Wiley, dec'd. - proved
before B. F. McLemore, Comr in Chancery. Oct 18. 1893.

1. Bond due Peilow & Co	76.48	
Int: to Dec 4/89.	43	
	76.91	
By Cash	5.00	
	71.91	
Int: from Dec 4/89 to Feb. 4/90	71	
	72.62	
By Cash	23.66	
	48.96	
Int: from Feb 5/90 to Apr. 23/91	3.57	
	52.53	
By Cash	13.47	
	39.06	
Int: from Apr 23/91 to Apr 15/92	2.35	
	41.41	
By Cash	2.53	
	38.88	
Int to Nov 1/93	3.58	
Balance due		42.46
Fee bill due Clerk. Sec. Ct.		1.50
Total amt debt		43.96

Respectfully Submitted.
B. F. McLemore
Comr in Chy.

Pretlow & Co.
Dr. ^{Wm} Report ✓
Jayner's Admin & Co.
1893. Oct. 17. filed -

Commissioner's Office.
Courtland, Va.

Oct. 18th 1893.

To the Circuit Court of Southampton Co.
Pursuant to a decree of the Circuit Court of Southampton Co. entered at the May Term 1893. in the Chancery Cause of Peilow & Co. & Joyner's Adm'r & Als: the undersigned Commissioner issued notices against the several parties to this suit. requiring them to appear before him, at his Office, in Courtland, on the 18th day of Oct. 1893. at which time and place he should proceed to take the account called for by the aforesaid decree. Said notice has been returned executed and is filed herewith. The Commissioner also posted a notice at the front door of the Court house. to the Creditors of the Estate of Jno Joyner. dec'd. - requiring them to present any and all claims against the said decedent or his Estate. to said Commissioner, on the said 18th day of Oct. 1893.

Whereupon the Commissioner submits the following report:

- 1st. That J. N. Williams, Shff and Adm'r. of John Joyner. dec'd. has neither received nor disbursed any thing. no property having

- Came into his hands as said Administrator.
- 2^o - An account of the debts outstanding against the said decedent. with their priorities: And reports debts against the estate of said decedent amounting to \$43.75 - inclusive of interest to Nov 1. 1893. which have been arranged according to their respective priorities.
- 3^o - The fee simple and annual value of the real estate whereof John Joyner died seized. The Commissioner reports that at the time of the death of John Joyner of Wiley. he was seized in fee of a small tract of land, situated near Franklin, in this County. estimated at \$100.00. that the annual value of said land is \$18.00. The Commissioner is of opinion that the rents and profits of the land will, in five years, pay the debts reported - but it will not pay the debts and costs of the suit, within that time.

Respectfully Submitted.

B. J. McLenne
Comm in Chy.

Comm's fee \$5.00
ch Plaintiffs

Pittlow & Co
v. 3 Report
Signed rather.

1894. May 9.

Pretlow & Co Report
v. 3 Decree
Joyner's Adm't. sale.

The undersigned begs to report that pursuant to decree entered in this cause at the November Term 1893, he advertised & sold the tract of land in the bill & proceedings mentioned (after duly advertising the same) in the town of Franklin on the 2d day of Feby 1894. at which time & place D. A. Holland became the purchaser by bidding therefor the sum of \$65.⁰⁰ which amount he has paid in full & your Comm. has executed to him and with special warranty for the same -

Your Comm. out of the fund in his hands has paid the costs of this suit & expenses of sale after which he find in his hands a balance of \$, which amount he has paid over to Pretlow & Co the plaintiffs in this cause & herewith returns their receipt.

Respectfully Submitted,

J. L. McHenry Comm.

Statement.

Out of Sales from land		65.00
To Comm. on same	3.25	
" Paid Auctioneer	2.50	
" " Costs of suit	26.53	
		31.28
" " Pretlow & Co balance		\$31.72

Pretlow & Lea
by
Joyner et al
vs
McLennan, Jr.

to { COMMISSIONER'S
BOND.

Commonwealth.

Know all Men by these Presents, That we J. L. M. Lemaire
and B. A. M. Lemaire
are held and firmly bound unto the Commonwealth of Virginia, in the sum of

Two Hundred Dollars,
to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind
ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally,
firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation,
and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by
virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our
seals, and dated this 6th day of January one thousand eight
hundred and twenty four.

The condition of the above Obligation is such, That if the above bound

J. L. M. Lemaire
shall faithfully perform the duties of his office or trust, as Special
Commissioner

under a decree of the Circuit Court of the County of Southampton, pronounced on the

day of November, 1893, in the suit therein depending under the name and
style of Pretlow & Co vs. Laigned & others

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in
the presence of

J. L. M. Lemaire SEAL.
B. A. M. Lemaire SEAL.
SEAL.

In the Clerk's Office of the Circuit Court of the County of Southampton:

This day B. A. M. Lemaire
surety on the above bond, made oath before me T. W. Howard, Clerk
of the Circuit Court of the County of Southampton, that his estate after the payment
of all his just debts, and those for which he is bound as security for others,
and expect to have to pay is worth the sum of Two hundred dollars;
whereupon the said bond is admitted to record according to law.

Given under my hand this 6th day of January, 1894
Teste: T. W. Howard, Clerk.

Pretlow & Co
v. Deane
Paymer et al.

1893 May
7
Entered
CMS

Entered

Frederick V Co

versus

Deane

Jayners Adm. et al.

This day this cause came on again to be heard on the Bill & exhibits filed, process returned executed, the Bill taken for confessed and was argued by counsel. On consideration whereof the Court doth adjudge order and decree that this cause be referred to one of the Clerks of this Court with instructions to take the following accounts to wit:-

1st An account of the transactions of J. N. Williams Adm. of John Jayner decd.

2nd An account of the debts outstanding against the said decedent with their priorities.

3rd The Annual & per simple value of the real estate of which the said decedent did seized & possessed: or better the rents & profits of the same will in five years pay the debts outstanding against the said J. N. Jayner's estate.

4th Any other matters specially stated deemed pertinent by the Court or required to be stated by any interested party. all of which the said Commissioners will report to court in order for future decree.

Pratt & Co
v.  Dacree
Joyner & others

1894 May Term
To be entered.
C.M.H.

Fretton & Co.

No.

Decree,

Joynes & others

This day this cause came on again to be heard upon the papers formerly read and upon the report of Spec. Com. J. L. W. Lemore filed May 9th 1894. ~~report~~ ~~was~~ ~~sale~~ ~~of the~~ ~~tract~~ ~~of~~ ~~land~~. reporting sale of the tract of land in the bill mentioned; the collection & disbursement of the purchase money, execution to the purchaser of a deed with specific warranty for the said lot or tract of land was argued by Counsel.

On consideration whereof the Court doth confirm the said report, and nothing further remaining to be done in this cause it is ordered that the same be removed from the docket.

Pratt & Co
v. ^{Wm} Dicke

Jaynes' Admiralty.

1893 Nov.

To be entered.

CWJ

Ending

Pretlow & Co.

vs

Decree

Joyner's Adm'r. & al.

This day this cause came on to be again heard upon the papers formerly read and upon the report of Commissioner B. F. McLemore filed Octo 17th 1893 to which there is no exception and was argued by Counsel. On consideration whereof and it appearing to the Court that the rents and profits of the tract of land in the bill and proceedings mentioned will not in five years pay the debts reported against the same together with the cost of this suit, doth adjudge order and decree that J. L. McLemore who is hereby appointed a special Commissioner for the purpose, do proceed after thirty days public notice of the time place & terms of sale, to sell the said tract of land for cash at Franklin Va.

But before the said Comm'r. shall proceed to act hereunder he shall enter into bond before the Clerk of this Court in the penalty of \$200. with security to be approved by the said Clerk, conditioned for the faithful performance of this or any future decree that may be entered herein. & said Commissioner will report to Court.

Pretlow & Co

B" } Stat: least.

Jaymen & Co

Stat of least in Suit of (Cohy)
Pretlow & Lea vs Jaymen et al

Colk	B. F. M.	\$4.04
Colk	D. M. H.	3.99
Shff	J. W. W.	7.00
Lawre	J. L. M.	6.50
Leon.	B. F. M.	5.00
		\$26.53

A Copy

Teste: D. M. Howard Sec.

May. 5. 94

Petlow & Co.

3
3 } Sum.
vs

Joyner & als

1893 ~~Monday in March~~

1st March Rules

Cur. let

4. Feb. 18th 1893 by
delivering a copy of this
Order to each of the
William named parties
E. G. Hale dep't

for J. W. Williams
Chff.

X

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *J. H. Williams Sheriff and as such Adminr*
of John Joyner of Wileys decd. Frank Joyner, Wileys Joyner Jno. H. Joyner
Fannie Joyner, Rebecca Joyner & Richd. Joyner

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 *March* ~~1893~~ next, to answer a Bill in Chancery
exhibited against *them* in our said Court by *Jno. Prillow Jr., S. B. Prillow, J.*
S. Prillow, M. H. Moore & R. A. Prillow, merchants and partners
trading as Prillow & Co.

And this *they* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *7th* day of
February, 189*3*, in the 11*7*th year of the Commonwealth.

Test: B. F. McLenore C. C.

PRETLOW & CO.

\$ 76 ⁷⁸/₁₀₀

Franklin, Va., Aug. 13th 1889

On demand, Nov. 1, 1889, I or either of us promise to pay unto
PRETLOW & CO., on order Sixty = Six + 48/100 — Dollars,
for value received, and it is agreed that the interest shall be at the rate of
6 per centum per annum, and I hereby waive the benefit of the Home-
stead Exemption as to this debt, obligation, or contract. As witness
my hand and seal day and date above.

Witness:

W. A. Pace

John X. Joyner of Wiley (SEAL.)
muck (SEAL.)

Dec 4/89 Paid Five

Dollars

\$5⁰⁰ — P — V Ca

Feb 5/90 Paid Twenty
three & 66/100 Dollars.

\$23⁶⁶ — P — V Ca

Apr 23/91 Paid Thirteen
& 47/100 Dollars —

\$13⁴⁷ — P — V Ca

Apr 25/92 Paid Two & 53/100
Dollars.

\$2⁵³ — P — V Ca

Dec 17/93 \$45⁶³ —

"X"

Pratt & Co
Dr. / Costs
Jagmer et al

Pratt & Co
Cash
Jagmer et al

$\frac{1}{2} B 7 m$
 $\frac{1}{2} 5 = 91 - 18 - 10 - 18 - 50 - 15 - 15 = 25 -$
 $50 - 15 = 72 -$

$7 m. H$
 $- 100 - 25 - 15 = (50) 72 - 72 - 40 25 -$

$Shff$
 $= 350, - 350,$

$Lum +$
 Lum
 $B, 7, m.$

Southampton County Court: Jan'y Term 1893

On motion of Fretlow & Co., creditors - by
their Attorney and it appearing to the Court
that John Joyner of Wiley has departed this
life intestate more than two months ago -
and no party having applied for Adminis-
tration of his goods and chattels - it is ordered
that the estate of said decedent be commit-
ted to the hands of J. W. Williams, Sheriff of this
County, to be by him administered according
to Law

A Copy

Test: A. B. Urquhart & d.c.