

1883-004

Chancery Causes:
Isle of Wight County

Claudius Joyner & Lizzie Joyner, by & c & d vs Elizabeth
Chapman's executor
Petition of Charles Edwards, by & c

Folder 1

Petition of William R. Chapman & d, by & c

Other surnames: Eley,
Whitley, Presson, Bowden

Hayden / pg.

Joynes pr. fa. to

no. 3 Clay paps

Chapman Exor. doc.
1883

Augt. 7. 1868. Bill
of Ans. filed & inty.
decree ~~transferred to~~

Octo. 5th order transferred
to Circuit Court.

Octo. 1868 decree for sale
& acts.

May 1869 - Cond.

Sept. 8. 1869, Rpt. of sale
filed

Octo. 1869 - Cond.

May 1870 - Cond.

Aug. 29th 1870 Rpt. of Cond.
Haring filed.

Octo. 1870 - Decree to
pay legation & collect sale
bond & deposits.

Aug & Octo. /71. Cond.

Apr. & Octo. /72 Cond.

Apr. 73. Decree contrary
will, & for further acts.
pr

Sept. 19. 1873. 2.
Rpt. filed

Octo. /74. Dec. to collect bond in Exor. bond &
for act. debts in, Exor. Chapman.

Feby. April, October 1875. April and
October 1876. continued.

" April 77. Dec. for further acts.

" Octo. 1883. Rpt. Conf. & Dec. to collect & distribute.

25 Jan 1867
23 July 1867

42
6.
252
21.

273

700

773

486.50

86 x

570.00

7m
4200
521.

To the Honorable County Court of Isle of Wight County
in Chancery sitting — The Answer of Charles Moore
Jogner Executor of Elizabeth Chapman to the Bill of com-
plaint in said Court exhibited by Melandius Jogner and
others against him and others. This dependant saving
and reserving all right of exception to the many errors and
imperfections in said Bill contained, for answer thereto
or to so much thereof as he is advised that it is Material
or necessary for him to answer, answering says that he
admits to be true the general allegations of said Bill as to the
death of Elizabeth Chapman, the execution by her of her will
the Probate thereof this dependants qualification as her ex-
ecutor, the provisions of said will, the beneficiaries thereof
and the property disposed of by said will. That owing to the
short time which has elapsed since his executorial qual-
ification and the cultivation of the farm of the Testatrix
the present year on shares under a contract made by the
Testatrix in her lifetime, your dependant has been unable
to render an account of his executorial transaction but
he is willing to do so as soon as practicable and has no objection
to the prayer of said Bill for said account and to apply
any personal fund that may be in his hands to the satisfaction
of the legacies bequeathed by the will of said Testatrix — And
hoping answered he prays hence to be dismissed with
his cost in this behalf most wrongfully expended & he
will ever pray &c.

Signed Charles M. Jogner
Subscribed to before me a Justice of the Peace of the
County of Isle of Wight Sworn to before me
Geo. H. Hall J.P.

Goyner per friend } In
et als. 18. } Chancery
Chapman's Exr. et als. }

Executors Answer.

Aug. 7. 1868 filed

In the Circuit Court of Ill of Wright County.

Claudius Joyner & others Plaintiffs
against
C. M. Joyner Ex^r: Eliz: Chapman & others, Defts.

To the Hon. Geo. Brown Judge of the
Circuit Court of Ill of Wright.

The petition of William R. Chapman
John F. Chapman, Benjamin W. Chap-
man, Josiah J. Chapman, Mary
M. Chapman, and Edgar W. Chapman ^{infants}
by their next friends,
humly represents.

That on the 18th day of Au-
gust 1868, a suit in Chancery was
instituted by Claudius Joyner & Lizzie
Joyner, Leonora Eley and Virginia Eley
infants suing by Charles M. Joyner
as their next friends, Mary Eley, and
Leonard St. Whitley and Antonette his
wife against your petitioners and
Charles M. Joyner Ex^r: of Elizabeth Chap-
man decedent, the object of which
suit was to obtain a decree for par-
tition of the land whereof the said

Elizabeth Chapman died seized and possessed, according to the terms and provisions of the last will and testament of the said Elizabeth Chapman and for other purposes.

That at the September Term 1868 of the County Court of DeKalb with in which Court the said suit had been instituted a decree was rendered directing certain Commissioners appointed for that purpose to lay off and divide the said real Estate consisting of about 700 acres into four equal parts, and assign one of said parts to Mary Eey, divide another one of said parts equally between your petitioners the children of Georgianna Chapman, another one of said parts between Clarence Joyner and Lizzie Joyner the children of Martha Ann Joyner, and the remaining fourth part between Leonora Eey and Virginia Eey, the children of Mary M. Eey,

That at the October Term 1868 of the said Court the Commissioners appointed to make partition as aforesaid made report that the said real estate could not be conveniently divided

in kind and that the interest of all the parties would be promoted by a sale of the said real estate, and the distribution of the proceeds of sale among them entitled according to their respective rights, at which term of the said Court it was ordered that the said suit should be removed to the Circuit Court of the said County of Isle of Wight.

That at the October Term 1868 of the Circuit Court of Isle of Wight, a decree was rendered in the said suit confirming the report of the said Commissioners and directing Charles Monroe Joyner a special Commissioner appointed for that purpose to make sale by public auction of the land in the proceedings mentioned whereof the said Eliz. Chapman died seized and possessed, and ordering one of the Commissioners of this Court to take an account ascertaining the amount due the respective legates under the will, of the said Eliz. Chapman.

That on the 8th day of September 1869, the said Special Commissioners Charles Monroe Joyner made report of the sale as directed under decree herein before reported to, and on the 29th day of August 1870, Commissioner R. P. Young filed his report showing a balance of \$1525.27 due from the said Ex^r to the Estate of which according to his said report the legacies are entitled as follows; To wit, Leonard H. Whitley and Abigail the V. his wife, ~~were~~ to receive the balance of cash legacy \$413 - Benjamin Chapman was to receive his legacy of \$200 - Adam Chapman his legacy of \$100 - the children of Georgianna Chapman four petitiary \$203.06³/₄, Children of Martha Joyner \$203.06³/₄, Children of Mary M. Eley \$203.06³/₄ and Mary Mary Eley \$203.06³/₄.

That at the October Term 1870, of the Hon. Court a decree was rendered confirming the said report of Commissioner Young, and directing the said C. M. Joyner Ex^r of the said Eliz: Chapman out of the said sum

of \$1525.27 to pay to the said Leonard
H. Whitney in right of his wife, Antoinette,
the said sum of \$413 - to the legal guar-
dian of Benj. Chapman ^{the S. V. sum of} \$200 - to ~~William~~
Chapman the said sum of \$100 - and
directing the said Charles M. Joyner
to receive from the Clerk of this
Court, the bonds for the deferred
payment of the said tract of land,
and to proceed to collect the same
and to deposit the proceeds in
the Citizens Bank of Norfolk
subject to the future order of
this Court,

Your petitioners further represent
that they ~~feel~~ aggrieved by the
decree of the County Court of Sale
of 1868 pronounced in the said
cause at the September Term
1868, in so far as it directs
the said Commissioners of partition
to divide the said tract of land
into four equal parts, and assign
one part thereof to your petitioners
collectively; They are also aggrieved
by the decree rendered by this Court
in the said cause at the Oct Term
1870 confirming the said report
of Commissioners Henry showing a

balance after payment of legacies
of \$812.27 in the hands of the
executor which he recommends
shall be divided into four equal
parts and one part thereof paid
to your petitioners collectively.

Your petitioners are advised
that the said decrees in the
particulars hereinbefore referred
to are erroneous upon their face
and operate to the manifest
wrong and injury of your
petitioners. That according to
the true intent and meaning
of the last will and testament
of the said Elizabeth Chapman,
deceased, the residue of her estate
after the payment of legacies should
be distributed per capita and not
per stirpes, and that instead
of being divided into four equal
parts it should be divided into eleven
equal parts of which one part should
be allotted to the said Mary Eley,
one to each one of your petitioners,
one to each of the Children of Martha
Ann Joyner and one to each of the
Children of Martha M. Eley.

They therefore pray, that the said
decrees may be modified and
corrected in the particulars
heretofore referred to, and
that your Honor will make
a decree directing a distribution
of the Estate of the said Eliz:
Chapman according to the true
intent and meaning of the said
last will and testament, and secur-
ing to all parties the rights and interests
to which they are respectively entitled.
And as in duty bound they will ever
pray

Loyner & Co
by
Chapman's Ex. History

Petition
H. 406

To the Honorable Court of Chancery of the County of

The petition of Charles Edwards a person of unsound mind
by Robert Ripen his next friend respectfully sheweth on the
4th day of March 1887 Hardy Chapman was duly appointed the
committee of said Charles Edwards by the County Court of the County of
and qualified as such on the same day ~~of~~ ^{for} bonds in the penal-
ty of \$1000 - with Benjamin Chapman as his surety. That the said
Hardy Chapman is indebted to your petitioners in the sum of
on the 31st day of December 1873. as appears by the report of A. P. Sprung
commissioner of accounts in the County Court of said county.
That the said Hardy Chapman is wholly insolvent, and has been
declared a bankrupt in the District Court of the United States
for the Eastern District of Virginia. That the said Benjamin Chap-
man has departed this life. his personal property has been distrib-
uted and his land has been sold by order of this court. Your
petitioners therefore pray that your honor will not contribute the fees
and costs of sale of said land without providing for the payment of the debt
due to your petitioners as aforesaid

Charles Edwards

by Robert Ripen his next friend

by Geo. D. Johnson - atty

Jaynes for Amund

11

Chapman Eves

Petition of Charles Edwards

To the Worshipful County Court
of ~~Elk~~ Wight in Chancery sitting, humbly complaining
sheweth to the Court your complainants, Claudius
Goyner, Fizzie Goyner, infant children of Charles
Monroe Goyner & Marthann his wife & Leonora
Eley & Virginia Eley infant children of Mary H.
Eley suing by the said Charles Monroe Goyner as their
next friend, Mary Eley & Leonard ^W Little & Antoinette V.,
his wife, formerly Antoinette V. Eley & Adam Chapman
that on or about the 30th day of April 1868 one Elizabeth
Chapman departed this life in the County aforesaid,
having previously made & published her last will and
testament, which at the May Term 1868 was duly ad-
mitted to probate in the County Court of said
County & Charles Monroe Goyner, sometimes called
Monroe Goyner nominated in said will as executor
qualified as such as will appear from an official
copy of said will with certificate of probate and of said
executorial qualification annexed marked "A" herewith
filed and prayed to be taken as a part of this Bill:
That by said will the said Testatrix, with the exception
of pecuniary legacies of \$1000.00 to Antoinette V. Eley and of
\$200.00 to Benjamin Chapman and of \$100.00 to Adam Chap-
man devised and bequeathed the balance of her Estate of
description to be equally divided between the following
persons, to wit: Mary Eley, the sister of the Testatrix,
the children of Georganna Chapman wife of William W.
Chapman a niece of the Testatrix, the children of Marthanna

Exhibit
"A"

Joyner, a niece of the Testatrix, the wife of
said Monroe Joyner and Leonora & Virginia
Eley, children of Mary A. Eley a niece of the Tes-
tatrix, That it was the intention of the Testatrix
that the said legacies & devises under the said
residuary clause should take by classes that
is that the said Mary Eley should take $\frac{1}{4}$ - the
children of Georganna Chapman should take col-
lectively $\frac{1}{4}$ - the children of Mary A. Eley should
take collectively $\frac{1}{4}$ - that the children of Georganna
Chapman are six in number to wit: William
R., John F., Benjamin W., Josiah J., Mary M., & Edgar W.
Chapman all of whom are infants the defendant
herein after named. That the children of the said Mor-
tuan Joyner are Clandius Joyner & Lizzie Joyner both infants
and complainants aforesaid and that the children of the said
Mary M. Eley are the said Leonora & Virginia Eley your
complainants as aforesaid that the said children of said
Georganna Chapman are each entitled to $\frac{1}{6}$ of $\frac{1}{4}$ or $\frac{1}{24}$ of
said residuum. The said Clandius Joyner & Lizzie Joyner
children of the said Mortuan Joyner are each entitled to $\frac{1}{2}$ of
 $\frac{1}{4}$ or $\frac{1}{8}$ and the said Leonora & Virginia Eley to $\frac{1}{2}$ of $\frac{1}{4}$ or $\frac{1}{8}$ each.
That the said Antoinette V. Eley has since the death of the
said Testatrix intermarried with one Leonard Whitley that
the personal estate of said Testatrix is small and insufficient
your complainants are informed for the payment of said
pecuniary legacies, That the said pecuniary legacies are by the
said will a charge upon the real estate of the said Testatrix
consisting of a tract of land of about 700 acres lying in said

County adjacent to the lands of William Thomas, John Thomas
& J. Thomas. The said executor has taken possession of the
personal estate of the said Testatrix but as yet has returned
no accounts as such executor— Your complainants the
aforesaid Antoinette F. Eley, Benjamin Chapman & Adam
Chapman pray that the said executor may be required to
render an account of his transactions on the estate of said
Testatrix and the balance in his hands as ascertained and
that out of said balance your complainants last aforesaid
may have payment of their respective pecuniary legacies
aforesaid so far as said balance may be sufficient for that
purpose, and that if sufficient to pay said legacies that
such deficiency may be a charge upon the real estate
aforesaid of the said Testatrix by said will devised to said
residuary legates. Your complainants Mary Eley, Claudius
Foyner, Lizzie Foyner, Leonora Eley & Virginia Eley residuary
legates as aforesaid are informed and so charge that
they are entitled to have partition made of said real
estate between themselves and the other aforesaid residuary
legates according to their respective rights aforesaid, subject
to the charge thereon of said pecuniary legacies bequeathed
by said will. Intender consideration thereof, and for as
much as your complainants are without remedy at law
and can only be relieved by the aid of this Honorable
Court of Chancery where matters of this sort cognizable,
to this end your complainants pray that the said
Charles Monroe Foyner as executor of the said Elizabeth
Chapman and ^{the aforesaid} William R. Chapman, John F. Chapman
Benjamin W. Chapman, Josiah Chapman Mary M. Chapman

and Edgar W. Chapman, the last six infants by some one appointed their Guardian ad litem to defend them in this suit may be made parties defendant to this Bill, and be required to answer the same and that by a decree of this Honorable Court the said executor be required to render an account of his executorial transactions that payment may be had of the pecuniary legacies aforesaid out of the personal estate of the said Testatrix so far as the same may be sufficient for that purpose, and if the said personalty should prove insufficient that such deficiency may be charged on the real estate aforesaid, and the devisees of said estate be required to contribute to such deficiency according to their respective rights in said land and in default of such payment their respective portion of said estate may be sold to satisfy the same and that partition may be had between your aforesaid complainants Claudius Joyner, Lizzie Joyner, Honora Eley Virginia Eley & Mary Eley and the other residuary legatees defendants as aforesaid of the land aforesaid according to their respective rights therein — And that such other and further relief as to the court may seem meet and as may suit the equity of the case, and you complainants will ever pray &c.

Hayden J. G.

Joyner et al. }
vs. }
Chapman's Exors. & }
Chancery

Complainants Bill

Aug. 7. 1888 filed &
ans. filed. & drawn up

To the Worshipful County Court of Isle of Wight
County in Chancery sitting,

The joint and several answers of William R. Chapman,
John F. Chapman, Benjamin W. Chapman, Josiah J. Chapman,
Mary H. Chapman, & Edgar W. Chapman, infant children of
Georgeanna Chapman, William W. Chapman, by A. P. Young,
their Guardian ad litem to the Bill of Complaint in
said Court exhibited by Claudius J. J. and others
against them and others.

These defendants jointly & severally answering say that they are
infants under Twenty-one years of age submit their interest
in the premises to the protection of this Worshipful Court
and having answered pray hence to be dismissed with
their cost in this behalf most unreasonably expended
& they will ever pray &c.

Signed

A. P. Young, Guardian ad litem

Goyner her friend
et als.

25.
Chapman's Exor. et als.

In
Chancery

Infants Answer

Augt. 7. 1868 filed

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, Greeting:

WE COMMAND YOU TO SUMMON *Charles M. Joyner, Executor of*
Elizabeth Chapman dec'd. W^m Chapman, John F. Chapman, Benjamin
W. Chapman, Josiah J. Chapman, Mary M. Chapman, & Edgar W. Chapman,
(the last six infants)

to appear at the Clerk's Office of the ~~County~~ ^{County} Court of Isle of Wight County, at
Rules to be holden for the said Court, on the first Monday in *September* next,
to answer *the Bill in chancery of Claudius Joyner, Lizzie Joyner,*
Leonora Eley & Virginia Eley infants suing by Charles M. Joyner
as their next friend, Mary Eley, Leonard D. Tuttle & Antoinette
his wife, formerly Eley.

~~a plea of~~ *for \$* ~~Damages, \$~~ And have then
there this writ. Witness, N. P. YOUNG, Clerk of our said ~~County~~ Court, at the Court-
house, the *28th* day of *August* 1868, in the *93^d* year of
the Commonwealth.

N. P. Young

Recently delivering a true copy of
the letter to C. M. Jones on the 7th
August 1868

Miss E. Pomeroy
for C. L. Ely St. H.

Handwritten paper date:

at: 3 down to over.
paid.

C. M. Jones Esq. of
Elgin, Kansas Ter.

As Sept. 1868 - 1868 - 1868 - 1868.
Handwritten.

Claims against
Ely's Chapman & Co.

all d.

United States

POSTAL CARD



WRITE THE ADDRESS ONLY ON THIS SIDE-THE MESSAGE ON THE OTHER

To W. P. Tamm
U.S. District Court
Richmond, Va.

C. S. Co. & Esq.

Dr. Sir.

The following is the
information given in regard
to note of \$1000 & cash \$496
Sept 20th 1859 1st credit \$772
Jan 25 1871 2d credit \$151
May 19th 1871

J. C. Chapman

Bond due E. E. Bonden 20: Sept 1859 - for
\$270.00 - Sep. \$300, paid in Bonden, receipts
in Worcester. Bond due, given to W. Chapman
son & married by Bonden. 1859.

Elizabeth Chapman's bond ^{to Harv. Chapin} dated Oct. 20th
1859. Principal and interest ^{to} Oct. 2nd 1873
(including pay ments) six hundred and ninety
eight dollars and ninety-nine cents (\$698.99.)

In The Cir. Court of Isle of Wight Co.
October 20th 1877.

Claudius Joyner et al
against John Chancery.

Petffs.

C. M. Joyner Exor of Elizabeth Chapman and dectas, vs.
This cause this day came on to be
again heard on the reports formerly
read, and on the report of Commr.
Young of the transactions of C. M.
Joyner as Executor of Elizabeth Chapman
under the decree herein of April term
1877. filed July 20th 1877, and on statement
+ of the debt due Edward Est Jordan,
+ was argued by Counsel, on consid-
eration whereof, The Court confirming
said report to which no exceptions were
filed, doth adjudge, order and decree
that the Clerk of this Court deliver
unto Charles M. Joyner the two bonds
of E. St. Chapman, Mills Godwin and
Dempsey Whitehead for \$755.⁰⁰ each,
payable respectively twelve months +
two years from the 4th day of Octo.
1875. returned by C. M. Joyner with
his second report of sale herein
which bonds, the said Charles M. Joyner
is hereby authorized and required

to collect, and the proceeds thereof, & the balance of \$18.⁸⁵, shown by Commr. Young's report aforesaid to be in the hands of the said lessor, former as Executor of Elizabeth Chapman, after paying thereout the costs of this suit inclusive of the Attorney's fee of \$100.⁰⁰ each to John Hoode Jr. and Letz. Hayden directed to be paid there by the decree herein of April term 1873. (or so much thereof as may still be due) apply in payment of the several ~~debts~~ debts against the Estate of Elizabeth Chapman mentioned in Commr. Young's former report of debts filed herein, Decr. 17th 1875, paying the debt of Edward E. Jordan, therein mentioned as modified by said statement & showing a balance due said Jordan of \$200.⁰⁰ with interest from the 2^d day of January 1875, paying the same in full, if sufficient, if not pro rata, and the balance if any deposit in the Farmer & Merchants Savings Bank of Smithfield, to the credit of this cause subject to the future order of this court herein, taking the receipts of the said parties for said payments, and the certificate of the Cashier of said Bank

for said deposit, and return the same
to court with his report of his proceedings
under this decree.

And the court doth further adjudge, order
and decree, that on the payment in
full of said bonds by said C. St. Chapman,
the said Lem. Joyner who is hereby appointed
special Commr. for that purpose, shall
execute and deliver to the said C. St. Chapman
a good and sufficient deed,
in fee simple, with special warranty
for the tract of land in these proceedings
mentioned, whereof Elizabeth Chapman
died, seized and possessed in the
County of Schoffby, containing by
estimation 700 acres, be the same, more
or less, lying adjacent to the lands of
William Thomas, Jr. E. Thomas, Abram
Vellines and others.

A copy

Teste.

H. A. E. awards D.C. for

A. St. Chapman clk.

Atto. & Vag. Sec. & Clerk 101. 00

Atto. Clerk 101. 00

Atto. fees 76

Court. House fees 3. 50

Costs of finding 2. 45

All other Atto. fees
have been paid by the
Atto. & allowed to him
in his several personal
accounts. L. St. Chapman

Joyner Rev. f.d.

or { study copy De.
of Oct. circ. 77.

Chapman et al.

copy

Please pay cat

To the Honorable Geo. Blow Judge of the
Circuit Court of Isle of Wight County;

The undersigned Special
Commissioner under the annexed
decree of said court of Oct. Term 1877,
in the suit of Joyner per friends vs Chap-
man's Exors, respectfully reports to
the court, that pursuant to said decree
he collected the two bonds of C. H. Chap-
man & als on ^{the} dates mentioned in
Statement A herewith annexed.

That he made the payments directed
by the said decree on the dates & in the
amounts as shown by said Statement
out of the proceeds of said collection.
That after making said payments
there remained a balance of \$509.77,
as per said Statement which balance
pursuant to said decree he deposited
to the credit of this cause in the F.
M. Savings Bank Smithfield as ap-
pears from the Certificate of deposit of
the Cashier of said Bank herewith
filed. That on the payment in full
of said bonds by said C. H. Chapman,
your Commr, executed & delivered to him
a good & sufficient deed for the land
purchased by him, mentioned in
said decree as thereby directed.

The receipts of the parties for the payments made & charged in said Statement A are herewith filed.

All of which is respectfully submitted

Signed Chas M. Joyner

Feb 7th 1877

1878

Statement A,

By amount in hands of Admr
as per Comr Youngs Report
filed July 20th 1877.

1885-

Jan 5 " amt in full of 1st & #546.72
on 2nd Bond of C. H. Chapman & Co

1380 52

1879

Feb 1 " amt in full of 2nd Bond

330 37

1878

Dr

Jan 5 To paid John Goode Atty's fee. 100 00

" 7 " " E. E. Bowden in full of debt 224 93

" " " " C. B. Hayden balance of Atty's fee 60 38

" 29 " " Wm S Chapman Com-
mittee of Chas. Edwards 572 95-

" paid taxes for 1875 on land 33 87

" " Clks tickets 12 84

" " L. B. Edwards Auctioneer
for sale of land 5 00

" paid for drawing Deed to
C. H. Chapman & N. P.'s fee 5 50

" paid for drawing this report 5 00

" balance as per contra 609 77

\$1729 74 \$1729 74

By this amt in Commission-
ers hands as per debit

609 77

1879

Feb 7 To this amount deposited in
Farmers & Merchants Savings
Bank Smithfield as per
Certificate of Deposit here-
with filed

609 77

\$609 77 \$609 77

May 1st - 1882 - Received of the Clerk of the Circuit Court of
Sole of Wight County the within named Certificate of the Cashier of the
F & M S Bank Smith & Co of Feb 7th - 1877 for \$502.12, which
by the decree herein of April Term 1882, I am required to
collect -

Chas M. Joyner

Joyner per friend

or

Chapman's Exor

Chas M. Joyner's Report
of
Collection Payment & Deposits
under
decree of Oct Term 1877

May 29th 1876

Filed

notice was executed & returned to your
care in person. That on the day so appointed,
said Executor exhibited to your Commission
a statement of all moneys received or disbursed
by him during the period in the foregoing
account, and your Court made up and
completed said account from the vouchers
before him, and on the 8th day of January,
1876, finds a balance of \$18.85 due from
the Executor to the estate.

Given under my hand as Commissioner of
said Circuit Court, the day and year first
expressed.

A. J. Young, Clerk

Joyner perf'd.
vs. ²/₃ Clay,
Chapman's Ego,

Report of Com. Henry
under deern of April,
Term, 1841.

Filed July 20th
1841.

To the Circuit Court of File of Night County.

The undersigned Special Commissioner of Sale under the annexed decree of said Court of April Term 1873 in the Chancery suit of Seymour Fenwick & John Chapman Esqrs - Respectsly reports to the said Court that in pursuance of said decree he offered the land in said decree mentioned for sale at public auction, after having given the notice required by said decree at File of Night Court House on several Court days in succession, when for want of a sufficient bid no sale was made until Monday the 4th day of October 1875, being Court day & the fourth time said land was offered for sale, it was bid off by C H Chapman for \$1550.00 - that being the highest bid made & the highest since the date of said decree - That of said amount he paid \$40.00 - in cash & for the balance with Miss Lodwin & Clemency Whitehead as their securities gave two bonds, a \$755.00 each payable respectively one & two years from the said 4th day of October 1875, with interest from that date. The said Cash payment & Bonds make up the price of said land as per

Statement A.

Cash Payment	40.00
1 Bond & One year	755.00
2 " " " "	755.00
	<u>\$1550.00</u>

The said Cash payment of Forty Dollars was
applied in payment of Commissions as per
Statement B

Commissions on 300.00 at 5 per cent - 15.00
do. ~~on~~ \$1,250.00 at 2 per cent - 25.00
\$ 40.00

The Bonds aforesaid are herewith returned
All of which is respectfully submitted

Signed -

Charles M. Joyner
Commissioner

Acts, 23^d 1877, Rec'd. of the Clerk of the Circuit Court of Lenoir
County, the two bonds of C. H. Chapman, Mills God-
win & Dempsey Whitehead for \$750.00 each payable 102
years from Acts, 4th 1875,

Chas M Joyner Com.

Commissioner

C Mr Joyner's

2^d Report of Sale

May 24th 1876 filed

Joyner per printed

Chapman's - -

Statement of Bond of Elizabeth Chapman to Hardy
Chapman god. of Elias Bowden's orphans, which was
assigned by said Chapman on 20. Sept. 1869 to A. V.
Bowden, E. C. Bowden & M. A. Bowden.

Bond due 20th Sept. 1889 - Principal . . . \$250.00

Interest compounded to 20. Sept. 1869. . . \$213.57

1870, Jan. 3.^d paid by C. M. J. & Co. 50.00

" Aug. 18. " " " 50.00

1871, Mar. 7. " " " 65.00

Pol. Int. carried into 1st. & not paid 18.57

Int. on \$270.00 from 20. Sept. 1869 to 9. Mar. 1872 . . . 40.00

258.57

1872 Mar. 9th paid by Ego. . . 145.00

213.57

Int. to 2^d Jan. 1875 . . . 37.11

250.68

1875, Jan. 2^d paid by Ego. . . 50.00

200.68

Statement of
Saml. deane
Bowdoin Debt

Statement X

An account of all outstanding debts and demands
against Elizabeth Chapman or her estate.

Balance on bond due to Edward

E. Bowden on the 9th March 1872 210 5⁴/₁₀₀
Int. thereon to 8th July 1875 3.737 250 94

^{Curator of Charles Edwards}
Bond due Hardy Chapman, on
20th Sept. 1859, for 3 490 00

Int. thereon to 8th July 1875 \$1,03.02

Sup int. paid in part of \$209.08

Sup int. from 17th April 1861 to 10th April 1875 117.04 76 94 566 94

Am't of debts proved \$887 88

Commissioner's Office, Isle of Wight
Court House, Dec. 17th 1875.

To the Circuit Court of said County.

Your commissioner reports to the court,
that pursuant to a decree of said court
given at Oct. term last, in the case
of *Joyner vs. Chapman Exr.* in
directing a commissioner of the court to
take an account of all outstanding debts
against Elizabeth Chapman dec'd or her
estate, he issued notice to the parties and
also posted at the Court house door of
said county on two consecutive county
court days, notice to the creditors of said
Elizabeth Chapman of the time & place of
taking said account and requiring them
to attend, and on the date of this report

made up the foregoing account showing the
amount of debts now outstanding against
said Elizabeth Chapman to be \$847.88 all
of equal dignity. Upon these debts your com.
nephew has added interest on the principal
from the 17. Apl. 1861 to 10. Apl. 1865, on the
demand of the parties interested in the estate
Given under my hand as a commissioner of
the said Circuit Court the day & year first
aforesaid

A. A. Young Com.

Amount for \$3.00

Joyner p. f. f. f.

3 Chy.

v.

Chapman Es. & or

Rept. of debts

against Ely Chapman

Esate.

Dec. 14. 1865

Filed.

C M Joyner Executor
Of Elizabeth Chapman

1873

In acc with C B Hayden

To Fee suit tax in suit as W W Chapman ad. 11 00

" do - " do 11 00

" do " do 11 00

Cash paid addition of suit tax 3 00

1875
March

To Fee suit tax in claim as L N Whittig 7 50

" do " Atkin 7 50

Apr

By Cash from Sheriff on execution of
Atkins by sheriff fees & commis & writ
paid Plaintiff

1876

Jan

8 By Cash in full

25 12

25 38

\$ 57 00 \$ 51 00

Jan 8 " 1876 Settled in full

C B Hayden

Jan 8 1876 - Received of C M Joyner Ex of Elizabeth Chapman
Thirty Nine Dollars & Six Cents in part of
fee of One Hundred Dollars allowed & paid in
part of Joyner Ex Chapman Chapman & Co

C B Hayden

Hayden
act.



account
at the of Ref 16/
119

138.92
91.90

47.02

A.

Dr. The Estate of Elizabeth Chapman *decd.*
In account with Charles M. Joyner her Executor.

1840

Jan. 3.	To Paid E. E. Bowden spec. of H. Chapman part of Bond	50 00		
" "	" " S. N. Whitney bal. of act.	82 14		
Aug. 18	" " E. E. Bowden spec. further part	50 00		
" "	" " Clerk & other fees	18 68		
Nov. 1.	" Balance per contra, left interest of \$7. ²⁰ on advances paid out	1324 45	84	31
		\$1525 27	\$	84 31

1869

Nov. 1	By balance on last acct.	1525 27		
1870. Nov. 1	" interest on same one year less int. on advances		84	31
		\$1525 27	\$	84 31

1871

Jan. 3	To Paid C. B. Hayden att. fee	2 00		
Mar. 7	" " E. E. Bowden further part bond	64 00		
Nov. 1	" Balance per contra pt. int.	1257 45	155	20
		\$1324 45	\$155	20

1870

Nov. 1	By balance per contra	1324 45	84	31
1871. Nov. 1	" interest on same of \$2. ⁵⁰ int. on payments		70	90
		\$1324 45	\$155	21

1872	Mar. 9.	So paid E. E. Burdett further part of bond assigned him	145 00		
"	"	" " L. N. Whittier in right of his wife Antonette W. who was his balance in full of legacy int.	462 05		
"	"	" " James James act.	2 25		
"	"	" " for tomb stone	101 91		
"	"	" " Adam Chapman legacy int.	113 00		
"	"	" " R. T. Barrett a T.	2 30		
"	"	" " E. P. Wamble "	80		
Nov.	1	" Balance per contra	430 14	197	55
			\$1257 45	\$197	55

1871					
Nov.	1	By balance per contra	1257 45	153	20
		" interest on same one year, lfs int. on advancements or payments		42	25
			1257 45	\$197	55

1873					
Mar.	29	So paid C. B. Hayden atty. fee & -	6 50		
"	"	" " Wm H. Thomas act.	15 00		
Jun.	2	" " H. Chapman in part of bond	79 80		
Aug.	19	" " Dr. Dd. Dd.	130 00		
Sept.	1	" Balance per contra pl. & int.	198 84	213	55
			\$430 14	\$213	55

1872					
Nov.	1	By balance per contra	430 14	197	55
1873					
Sept.	1	" interest on same 10 mos. lfs int. on advancements & pay mts		16	00
			\$430 14	\$213	55

B.

An account of the balance due the legatee of Elizabeth Chapman decd.

1869			
Nov. 1	By balance due Benjamin		
1873	Chapman a legatee	200	00
Sept. 1	By interest on same 3 rd of 10 mos.	46	00
" "	Balance due legatee princ ^l & int ^r	\$ 246	00

C.

An account showing of what the balance in the hands of B. W. Joyner Rep^r of Elizabeth Chapman decd. consists, and supposed to be spent.

The bond of George W. Sperry & Ely Sperry due the 24th of Nov. 1868, for \$194. 00. subject to a credit on 10th of August 1873 of \$130. 00. leaving on that day a balance of

122 62

Int. to 1st Sept. 1873.

41 123 0 3

The bond of Mary Ely & A. H. Whitney for Int. from 24th Nov. 1868, to 1st Sept. 1873.

45 75

13 00 58 7 5

The bond of Wm W. Chapman & A. H. Whitney, with balance on 4th Mar. 1872

55 73

Int. to 1. Sept. 1873

4 98 60 6 8

The bond of R. E. Turner & B. C. Roberts for

13 87

Int. to 1. Sept. 1873

3 95 17 8 2

The bond of Eugene Edwards & B. C. Roberts

21 85

Int. to 1. Sept. 1873

6 22 28 0 7

Total bond in hand spent. - \$ 288 3 5

D.

An account of Bonds taken by the said Executor of Elizabeth Chapman, which were good when taken but lost without any laches on the part of the Executor.

The bond of John W. Wiley & Caroline Vellies due 24 th of Nov. 1868, for	71	10		
Int. on same to 1. Sept. 1893.	20	23	91	33
The bond of A. H. Casey & Wm. H. Casey, due do. for	50	00		
Int. on same to 1. Sept. 1893	14	25	64	25
The bond of Wm. Vellies, A. J. Rusty & Jennie Vellies, due do. for	12	00		
Int. on same to 1 st Sept. 1893	3	42	15	42
Total bonds lost			\$ 141	10

A Statement of debts now outstanding against Elizabeth Chapman decd.

Bond due Hardy Chapman, balance of princ. & int. 20 th Octo. 1893	698	99		
Bond due E. E. Broderick of H. Chapman balance princ. & int. on Dec 20, Octo. 1893	148	71		
	\$ 8	70		0

Commissions Office, Isle of Wight Co. H.

Sept. 19th 1843.

To the Honorable Court of said County.

Pursuant to a decree of the said Court, rendered on the 22^d. day of April 1843, in a suit in chancery therein depending between Claudius Joyner, Lizzy Joyner his friend & others against C. M. Joyner Executor of Elizabeth Chapman dec'd: to them directing a commission of said Court to take a further account of the transactions of Charles M. Joyner as Executor of Elizabeth Chapman dec'd: and ascertain the amounts due the several legacies in the bequest in his hands; and also of what the balance in said Executor's hands consists, and whether any bonds originally good have been lost to the estate without any laches on the part of the said Executor. Your commission reports to the Court that on the 26th day of August last, he issued notices to the parties interested, that he had appointed the 12th day of September, 1843, to take at his office aforesaid, the said account, and also to make the inquiries required by said decree. Which notices were duly expected & returned. That on the day so appointed, in consequence of the failure of the parties to attend, Your commission continued the matter until the date of this report, on which day, the said Executor appeared

and furnished the necessary information and vouchers, and your communications made up and completed the foregoing accounts, marked respectively A. B. C. & D.

Act. A.

Account A. is of the further transactions of said C. M. Jorner as Executor of said Eliza Chapman decd. and shows on the 1st day of Sept. 1894, a balance of \$412.39 due from the Executor to the estate. of which the sum of \$213.55 is interest money.

Act. B.

This account shows that on the 1st day of Sept. 1894, there was a balance of \$246.00 due to Benjamin Chapman a legatee. The other legatees having been paid in full.

Act. C.

This account shows of what the balance in the hands of the said Executor consists. and exhibits that on the 1st Sept. 1894, he held sales bonds to the amount of \$288.75 including interest.

Act. D.

This account shows that there has been lost to the estate, on bonds good when taken, without checks, the sum of \$171.00

At the request of the Executor, your communications specially, Stated to G. showing that there are now outstanding debts against Eliza Chapman's Estate, amounting to \$874.70 Given under my hand as a Commissioner of said Court the day & year first aforesaid.

J. P. Goring Comr.

Jorner, J. P.
2d Court 2d
Sept.
vs.

Chapman's Exor.

at

Sept. 19th 1894

Filed.

To Young Esq
at the house of Mr. Geo. B. P.

Nov.

24.02
27.17

19.85

Joyner Candies
By C. M. Joyner

\$3.00.

✓

1874

Proceedings for year 1874, per C. M. Johnson Sept 80

to the Com. of the Flight of. at.

Recd.

Making and reporting acct. of debts

to. Wm. Chapman for under the road \$ 3. 00

C. M. Johnson Com.

Foyner Cha^s M. Exor

\$ 1.61

✓

	Charles M. Boyner Exor. of Elizabeth Chapman	
1875	Hotel & Board Wright Bir. let.	28
Mar,	Sum ^{rs} Copies. noty. enty. atto. vs. J. O. Atkins sub,	.78
Apr. & May	Fily. decln: Rules Docty. vs. Same	.83
	<u>N. P. Younglet. \$1.61</u>	

Joyner, C. M.

Enor:

\$16⁰⁰

1873

Sept.

L. M. Joyner Exor. of Elizabeth Chapman
To N. P. Young Comr. in chg. of Isle of Wight Cir. Ct. Dr.
making and refdg. accts. under decree of
Apr. 1873. vs. Chapman's Exor. sale, } \$16.00
N. P. Young Comr.

Joyner L. M.

369

1873
Octo,

L. M. Joyner next friend for standing Joyner,
To N. P. Young clk. of Isle of Wight Cir. Ct. Dr.
Continuance vs. Chapman & als. 36¢

N. P. Young, clk.

x

C. M. Payne.

1179.

✓

1870	C. M. Joyner sent friend for Claudius Joyner's lab.	Dr.
	To the Clerk of Isl. of Wight Cir. Court	
June	Cont. as Chapman's lab.	36
Oct	Filing Court Report is Dec. copy 50.	71
1875	Cont. as same at July 1st paid.	42
		71 79
	S. P. Young Clerk	

Joyner Celadins
Fals. per C. M. Joyner

— \$1.91 —

1.61

3.00

16.00

1.79

.36

24.67

✓

	Clandius Joyner Hals. per C. M. Joyner next friend,		
1872	To M. P. Young Clk. of Isle of Wight Cir, Ct.		
Octo.	Fily. rept. of Comr. Joyner 18. Continuance	}	.51
	vs. Chapman's Exor. &c 36		
1873	Retn. of decree		.35-
apl.	Entg. attc. for depts. 10, filg. their petn 15.	}	1.05-
	Taxg. add. costs &c, 80, for Comr. Joyner		
	M. P. Young Clk.		\$ 1.91

Stoughton. Apr. 5th 1873

After the most careful examination which
I have been enabled to give to the sole question
presented by the record in this case. I have brought
my mind to the conclusion that according to the
true intent & meaning of the last will and Testament
of the Elizabeth Chapman deceased, and more
especially in the 2^d Clause ^{that} the Balance of
her estate ~~therein~~ mentioned, after paying debts
of legacies, should be distributed "per Capita"
and not "per Stirpes", And that instead of being
divided into four equal parts, it should be
divided into Eleven Equal parts - of which
One part should be allotted to her sister Mary Eliza
One to each of the petitioners, One to each of
the children of Martha Anne Joyner and one, to
each of the children of ~~Martha~~ M. Eliza.

The Report of Com. Messrs may be amended so
as to conform, and a decree prepared accordingly

9-1865

Joyner R. B.

✓✓✓ You check
a. 8 all 2 5
and

Chapman R.

Sept. 19. 1845

all 2

C. B. HAYDEN.
Attorney at Law,
SMITHFIELD,
Isle of Wight County, Virginia.

127
There being the 17 day of August of the
month of August of the year 1862
the amount of the hundred and thirty
dollars which was in a note of the
of the

Sept. 10/46

v

Recd of Charles M Joyner Exr of Elizabeth
Chapman the sum of seventy nine dollars
and eight cents in part payment of a bond which
I hold against said dec which payment is endo-
rse'd on bond.

June 2 1873

H Chapman

June 17th 83

C M Fayner

Executed Elizabeth Chapman

To C B Hayden

To Fee Smitting in sent in ch of
of J. W. Wiley

Re. A Payment

C. B. Hayden

\$ 50

1870
Jan

4th 9/10

C. M. Taylor

By Elizabeth Chapman

March, 1788

V

to Chapman
acptd 6.50

Jan 10th 1877 Recd 80¢ in
bill. E. W. Apple

10/10/77

Mrs Elizabeth Chapman

1864

Jr E. P. W. [unclear]

March 16th To Balance an [unclear] 4.00

April 1st .. 1 cake Soap

2.50
\$6.50

12. Aug 92

$\frac{12}{1} \times \frac{5}{2}$

W E Chapman

Ch

R. F. Bawell

230

Illegible cursive text, likely a signature or name.

LH wholly personally asked
before on this 4th day of June, for
and made oath to the Comptroller
of the within c/c

C.B. Cramer Jr.

Rec Elizabeth Chapman by Mrs I H Whittle
1868 To R F Baunt 10

July 5	2 Shov on Horse of	100
March 11	2 Shov on horse	100
Oct 5	rep on harness, traps & Yoke	30
		230

1872
July 12. Rec payment

To R F Baunt

12 Aug. 92

✓

Adam Chapin
Receipt

✓

Recd This the 12 day of Jan'y 1872 of Charles
Joyner Esq of Plymouth Chapman the
Sum of one hundred and thirteen
dollars in full of a legacy left me by
said deceased and This is my receipt for
The same

Wm. W. Chapman

his
Adam X Chapman

William W. Chapman (mark)

Estate of
 Mrs. Elizabeth Chapman, dec^d.

To John D. Cooper
 Dr.

1871
 May 13 Italian Marble Slab (Comb) $8.10 \times 4.10 =$
 is 42.8" @ \$3.00 per ft. \$128.00
 " Rec'd to 1st Apr/72 10 Mon. Sds. 6.78
 Accto. Jan. 15. 1872 Stamp 134.78
 Rec'd Pay of building erect 134.88
 in 1872
 Thomas Adams
 per J. D. Cooper

Mrs. Thomas Adams
 Dr. Sds

139.88
 27.97
 101.91

Above please find bill as

Requested by yours of 13th inst. Am obliged to
 you for your attention

Yours truly
 John D. Cooper

134.88
 200.00
 334.88
 334.88

134.86
 809.14

15th Jan / 92



1.15-
3712

80

County Court, L. H. Whitty
Remains of, and before
one day - in my day County
on the 8th day of March 1842 and
made out to the Court of the
written of
C. B. Crumpler Jr.

92
10
3.70
4
6
1.38
1.12
2.3
6
1-

Eugene Chapman

500 1/20 James James

Recd. 50 Balance Due on discharging \$2 25
10 cents.

L. H. Whillie

Mar 9 1872 Recd payment in full
of 6 m Joyner Car L. H. Whillie for James James

Recd This the 9 day of March, ¹⁸⁷² of Chas
M. Joyner Exr of Elizabeth Chapman does
the Sum of Four hundred and sixty two, ^{dollars} and
five Cents in full of a legacy bequeath my
Wife Antoinette V. Whitley formerly Eley by
said deced and This is my receipt in full
of all demands against said estate
Edward H. Whitley.

Witness
E. E. Bowden

9. Mar. 72

✓

✓

Recd March 29 1873 of Chas M Joyner
Exec of Elizabeth Chapman. Does the sum
of fifteen Dollars for Acting as Clerk at
said exec sale

W. H. Thomas

March 29/73

✓

Wm H. Thompson
March 29

March 29/73

Recd this the 3 day of June 1870 of Charles
M. Joyner Esq of Elizabeth Chapman dies the
sum of fifty dollars in part of ~~the note~~ ~~which~~
I hold against said dies

E. E. Bowden

for S. / 70

✓

Mar. 7. / 71

✓

Recd This the 7th day of march 1871 of L. M. Joyner
Bar of Elizabeth Chapman does the sum of
Twenty four dollars in part of a bond which I hold
against said dies

E. E. Bowden

3 Jan 1/71

2nd year

✓

✓

Elizabeth A. Jones Esq

Chas Manroe Turner

Executor of Elizabeth Chapman

To C B Hayden Esq

1868

May

To Fee for Motion for executarial
qualification -

3 00

Pay 3/11 Recd Payment -

C B Hayden

Mr Elizabeth Chapman

in ac with L. Whitely

1867

July	4	To 2000lb Hay oats	c 17	20.00	
Sept	27	" 2000lb Blade fodder	c 17 1/2	25.00	
		" 4 Loads Hay fodder	c 17	4.00	
Decr	10	" 4 Loads shucks	c 25 1/2	3.00	
1868		" bal due on old ac		8.92	
Jan'y	10	" 8 1/2 Bbl Long corn	c 57	42.50	
		" 5 " flint do	c 37	15.00	
	12	By Cash			20.00
Feb'y	8	To Cash pd Green Eley A. J. Edward for cracker		2.00	
Apr	4	" do " Green Eley		75	
		" do " Wm Crocker		53	
June	11	To Cash of Elias M. Dwyer			15.00
July	1	By Cash		20.29	
Jan'y	5	By Cash of Elias M. Dwyer			35.00
		" Balance			71.49

1869

Jan'y 5 To balance due by account 5 June 1868

Interest

By Cash of Ball

By Cash

Balance

38.98

31.00

12.16

782.14

311.92

12.50

322.40

2650

2.9758

5131.00

2650

141.49 141.49

71.49

4.90

76.39

38.98

37.41

31.00

12

280

640

6.80

7.00

640

7.10

6.00

6.00

1216

Aug 1890

25.37

14 16

2.81

1.71

714

2.37

4237.1

857.4

4237.1

15.47

812.3

71.49

13.854

8.5.7

1772.5

28

2909.63

2841.7

Joyner C. W. 2402

\$7.95-

36

326

200

100

14.57

4.16

18.68

✓

paid to Mr. Joyner

adms

1869

Mar.

Chs. Messer for me Exor. of Eliz^a Chapman 5⁰⁰

To blk. of Isl of Wight Co. Ct.

Filing & Recording of said instrument

1. 75

Do. do. act. of sales

6. 25

A. P. Gentry

\$ 7. 95

Paymer C. M.

\$ 3.26

26

362

1

paid by C M Paymer
Ed Ely 27

1870 C. M. Joyner Esq. of Elizth Chapman

To the Clerk of the District Court

Ann. copy. not. sup. etc. &c. del. rules, doct. &c. etc.

Ann. copy. not. sup. etc. &c. del. rules, doct. &c. etc.

W. P. Loring, Clerk.

Paymer b.
36

paid by to Mr. Jayne
Ed. Ellery &

1869
Octo. Claudius Joyner solr. per. C. M. Joyner mfr. fo.
To the ell. of Isle of Wight cir. et. D^r
And P. M. Chasmon's Eder. solr. 36
A. P. Young & Co.

Presented for
Examination

2.1.7

1.
pd by E. M. Jayman
Ed. E. Jayman

1870

July

24

Received of F. Smith

To F. Smith & Co. of Philadelphia

for balance of account

F. Smith & Co.

received
from

0.77

paid by C. M. Farnham
Ed. Elyson

1890 Wm. Lee Payne Sec of R. Chapman.

Jan J. F. Smith Ship of 100 weight co at 100

3rd So been with in Wiley & Mellin 100
"

J. Smith Ship

9. Month/2

3^d Year

✓

E Bowen
Receipt

Recd this the 9 day of March 1872 of Charles
M Joyner Esq of E Chapman the sum of
one hundred and forty five dollars in part
of a bond which I hold against said estate
Edward E Bowden

Joyner C.

36

Co. 9th. Infantry
at Fort

v

1869 Claudius Jones to Thomas J. S.
To the W. of C. S. St. Isham Wright

May Antineum secret. Chapman, Ebor. P. 36
A. P. H. H. H.

1868

Aug &
Sept.

Claudius J. Goyner & al.: fr. & al. Dr.
To bll. of Isle of Wight Cty. et.
Here in ch: suit, for sale of Esq^d.
Chapman's bay to interlocutory decree \$ 3 75
N. P. Young

For our
Claims & also

\$3.75

A. M. on for our
to pay

215
36

411

✓

Aug. 18. /90

✓

Recd this 18 day of Aug 1870 of L M Goymer
Env of Elizabeth Chapman Recd the sum of fifty
dollars in part of a note which I hold against
said deceased

E. E. Bowden

Isle of Wight County, to wit:

I, Charles B. Crumpler, a justice of the peace in and for the county of Isle of Wight and State of Virginia, do certify that Antoinette V. Whitley, the wife of Leonard H. Whitley, personally appeared before me in my said county, and being examined by me privately and apart from her said husband, ~~and~~ consented that C. W. Joyner Executor of Elizabeth Chapman decd. might pay over to her said husband the sum of \$413.⁰⁰ with interest thereon from the 1st of Novr. 1869, which was decreed to be paid to him, on her consent, by decree of the circuit court of said county, rendered on the 20th of Octo. 1870, in the suit of Joyner vs. said E. Chapman's Exor. &c. against said E. Chapman's Exor. &c.

Given under my hand this 9th day of March 1872.
Chas. B. Crumpler J.P.

Joyner R. J. & Co.

N. S. 3/4 m. clay.

Chapman's Ego. tal.

Cyanindolite

Consent of the
wife of A. H.
Whitby.

To the Circuit Court of Isle of Wight County.

The undersigned as Exor. of Elizabeth Chapman ^{for Commissioned} Decd. Reports to the Court that, in pursuance of a decree of its October term, 1870, rendered in the suit of Janyer vs. J.D. & Als. vs. Chapman's Exor. & Als. he has paid to Leonard S. Whitley, in right of his wife Antoinette W., late Clay, the sum of \$400.⁰⁰ with interest thereon from the 1st. of Nov. 1869, to the 9th day of March 1872, when the same was paid, and to Adam Chapman the sum of \$100.⁰⁰ with like interest, as will be seen by their receipts herewith filed together with the account of said Antoinette W. also herewith filed. That he has not paid the legacy of \$200.⁰⁰ with interest claimed to be paid to Benjamin Chapman, because the said Benjamin is an infant and has no guardian. That ascertaining the existence of outstanding debts against the said Elizabeth Chapman Decd. and believing it his duty to pay them off, he has paid out of the balance of said sums of \$1525.²⁵, and in the decree mentioned, the following debt to wit:

J. E. E. Borden in part of bond	\$350.00
" J. B. Conker for slab	101.91
" Taxes & fees	14.57
" Janyer Janyer	2.25
	\$428.73

Acct. brot. forw.	428 ^{2/3}
To B. F. Barrett	2.30
" C. P. Loomis	2.80
" C. B. Hayden	3.00
" R. H. Pulley	2.00
" Joe Ely	2.00
" S. H. Whitley	82.14
making amt. paid out.	\$522.94

Leaving the balance of the said sum of \$525.27 with the Patent thereon, still in the hands of the Exor. and not deposited in bank because the same is in bond taken for sale of property & still uncollected.

By the decree aforesaid, the undersigned was directed to collect the bonds filed in the cause for purchase of the real estate of Testatrix by W. W. Chapman and deposit the proceeds in Bank, together with the balance of the sum and fund aforesaid. These bonds have not been collected ~~for the~~ for the following reasons, viz: W^m W. Chapman, the purchaser of the land is unable to pay them ~~unless ordered~~ and your Commr. has not brought suit on them in consequence of the protracted sickness & inability of his attorney, C. B. Hayden Esq.

Your Commr. asks the leniency of the Court until he can see & consult his

said attorney, which he will do at the
earliest practicable time.

Then under my hand the 12th day
of August 1872.

Charles M. Joyner

Your undersigned commissioner begs
leave to add by way of Supplement to said report
that he omitted to state therein that on the 4th day of
March 1872, he collected on one of the Land Bonds the
sum of Three Hundred & Thirty Five Dollars &
Fifty Six Cents - & being unable to further collect has
placed them in the hands of counsel who has
not suit on the same - Your commissioner
feels that the money will not be made on
them & he learns that the purchaser of the land
has gone into bankruptcy -

All of which is Respectfully Submitted
March 3rd / 73 -

Signed -

Chas. M. Joyner Comm.

Joyner p. 1. 1.

3. 3 Report

Chapman Exp. for

Report
of
Commissioner C. M. Joyner
under the name
Oct. 1870

At a Circuit Court held for the County of Isle of Wight on
the 20th day of October 1868.

Claudius Joyner, Elizabeth Joyner, Leonora Eley, & Virginia Eley
infants suing by Charles M. Joyner as their next friend Mary
Eley Leonard Whitley & Antonio his wife formerly Eley Plffs
Against In Chancery

Charles M. Joyner, Executor of Elizabeth Chapman dec'd. William
R. Chapman, John F. Chapman, Benjamin W. Chapman,
Josiah J. Chapman, Mary W. Chapman, and Edgar W. Chapman
the last six infants. Defnts

This cause which has been regularly transferred from
the County Court, came on this day to be heard on the
papers formerly read and on the report of Commissioners
Hardy Chapman, E. P. Womble, & William H. Thomas under
a decree of said Court of September Term 1868 and was
argued by Council. On consideration whereof the Court
confirming said report to which no exceptions were filed,
doth adjudge order and decree that Charles Monroe Joyner,
who is hereby appointed special Commissioner for that
purpose proceed to sell at public Auction on the premises,
after having given at least 20 days notice of the time
and place of sale by advertisement at the Court house
door of this County on some Court day and at other public
places in said County, the land in the proceedings men-
tioned whereof Elizabeth Chapman dec'd. died and bequeathed
in the County of Isle of Wight, containing by estimation 700
acres, adjoining the lands of William Thomas, John E.
Thomas and A. J. Vellines, on a credit of one, two & three
years in three equal payments bearing interest from the day
of sale, except so much for cash as will pay the costs of
this suit and of said sale inclusive of a reasonable attorney's
fee to C. B. Hayden for his services in this cause — for
the credit portion of said sale the said Commissioner shall
take three bonds in equal amounts, with sufficient

Security payable to himself as Commissioner, respectively
 One, Two, & Three Years from date, bearing interest from
 date, which bonds he shall return to Court, with his
 report of his proceedings under this decree and the Court
 doth further Adjudge, Order and decree that a Commissioner
 of this Court take an account of the transactions of
 Charles Monroe Leyner as Executor of Elizabeth Chapman
 and Ascertain the Amount due respective legates under
 said will which accounts the said Commissioner shall
 take, settle and report to Court with any matters specially
 stated deemed pertinent by himself or required by the parties
 to be so stated, - But the effects of this decree shall be
 suspended as to said sale, until the said Commissioner
 shall execute in the Clerk's Office of this Court, a bond
 with sufficient security, in a penalty of \$10,000.00 pay-
 able to the Commonwealth of Virginia, Conditions for the
 faithful performance of this or any other future decree
 herein,

A Copy.

Teste J. P. Young, C. M.

Loyour

W. B. B. B. B. B.

Chapman's Estate

29.

Noted to 10. Aug. 1890
 13. July 1890.

6. Jan.

act.

July 13th 1870.

To Charles M. Joyner next friend of Claudius & Lizzie Joyner and
Leonora & Virginia Ely infants; Mary Ely and Leonard St. Leger
& Antoinette his wife. Plaintiffs,

and

To Charles M. Joyner executor of Elizabeth Chapman dec. and
A. P. Young guardian ad litem of Wm. W. Chapman, Jno. T. Chapman
Basil W. Chapman, Josiah J. Chapman, Mary M. Chapman
& Edgar W. Chapman Infants. Defendants.

You are hereby notified that I have fixed upon the 10th day of
August next, if fair, if not, the next fair day thereafter (Sunday
excepted), to take and settle, at my office aforesaid, the following accounts:

An account of the transactions of Charles M. Joyner
as executor of Elizabeth Chapman dec.
An account of the amount due the respective
legates under the will of said Elizabeth Chapman.

required to be taken by decree of Isle of Wight Circuit Court, ren-
dered on the 20th day of October, 1868, in a suit in chancery
depending in said Court, between the said parties Plaintiffs
and Defendants.

at which time and place you are required to attend.

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

A. P. Young Com'r.

Executed by Attorney a true copy of the testimony
 to be given by Mary Ely Dennis Whittier Antinet
 Whittier July 20th 1870

E. S. Ely ss
 for J. Smith & Co

2889.79
 1364.52
 1525.23
 713.80
 4 (812.27
 208.06 3/4
 1000.
 587.
 413

1364.52

52
 85
 104
 56
 13

1444.895

2577.2

23
 2

16

James H. S.

3 Com. Note

Chapman and Co.

At the 10th of Aug 1870

Dr. The Estate of Elizabeth Chapman decd:
In account with C. M. Jernister her executor

1868

May		To paid for revenue stamps		2 00
"		" " L. H. Whitley in part of acct.		15 00
"		" " Kuffin Thomas labor on farm		4 60
"	4	" " Adam Chapman		5 50
June	8	" " expenses of Exor. to Norfolk Va. N. E. businf.		8 00
"		" " Adam Chapman labor on farm		4 00
"		" " Geo. D. Chapman for fodder		8 00
"	23	" " Joe Eley brickling grass		8 00
July	6	" " Washington Thomas labor on farm		4 14
"		" " Shad. James		7 50
"		" " Geo. T. Hall	act.	1 50
"		" " A. J. Edwards	"	10 50
"		" " Labor on farm		13 50
"		" " J. W. Duck	act.	1 80
"		" " J. C. Thomas	"	3 00
Sept.	20	" " S. G. Boykin	"	5 00
Octo.	1	" " Adam & Kuffin	labors	19 28
"		" " A. J. Edwards	bacon	4 14
"		" " Labors on farm		7 11
"		" " printing notice of sale		2 00
"	4	" " Clothing for negroes under contract &c.		8 70
"	8	" " L. H. Whitley on acct.		19 30
Nov.	24	" " G. D. Chapman	act.	4 00
"		" " C. J. Chapman		1 25
				167 45

Nov.	24	To amt. brought forward		167	75
		" paid Geo. Flood labor on farm		2	87
		" " Adam Chapman " "		12	50
		" " Riffin Johnson " "		8	00
Dec.	10	" " for funeral services to minister		5	00
		" " Revenue stamps		1	00
		" " A. J. Edwards act.		28	58
	19	" " Geo. W. Roberts "		23	75
		" " Geo. W. Smith "		1	50
1869 Mar.	10	" " R. C. Edwards "		1	13
		" " L. H. Whitley part "		35	00
		" " Taxes		31	61
		" " Bkts. & other fns		9	20
		" " Mahala Putton services rend.		3	00
Sep.	28	" " W. T. Turner act.		1	70
		" " L. H. Whitley & Antoinette D. his wife in part of legacy of \$1000. ⁰⁰		587	00
Nov.	1	" " M. M. Marshall bond		136	56
		" " Rouse for coffin act.		42	50
		" " Eliza Stagg act.		2	52
		" " T. J. Clements cur at sale		35	00
		" " Adam Chapman coopering		17	08
		" " D. G. H. Jordan m d l. acct.		42	30
		" " D. Glover " "		20	00
		" retained to pay C. B. Haydens atts. fns		11	50
		" commissions on \$2889.79 receipts		144	49
		" Balance due the estate per contra		1525	27
				\$ 2889 79	

1868	Cr.		
May 1	By cast recd. for \$58.38 in silver found in the house and sold for \$1.31	Dr.	76 47
"	Do. do. \$47.00 in gold do. @ 138		64 86
"	Do. in U. S. currency found do.		22 00
June 8	" Sales of produce by A. B. Edwards		27 87
"	" " apples		18 50
"	" 4 brandy bbls.		8 00
"	" " Vinegar "		31 25
"	" 12 brandy "		24 00
"	nett bal. recd. from Thomas & Adams on settlement of acct. of sales made for Est. by them & charges n. Est.	Dr.	9 12
Aug. 26	" amount of sales of chattel estate due at this day	Dr.	2612 72
			\$ 2889 79
1869			
Nov. 1	Balance due the estate		\$ 1525 27

Legatee account

Cash legacies.

Leonard H. Whitley & Antoinette V. his wife, who was Antoinette V. Eley legatee of Elizabeth Chapman decd.

1869	In account with L. H. Frymer Exor. of Eley Chapman		
Sept. 28	To paid in part of legacy of \$1000. ⁰⁰	587 00	
Nov. 1	" Balance due legatee	413 00	
"	" By amount of legacy under will		1000 00
		\$ 1000 00	\$ 1000 00

Benjamin Chapman legatee of Elizabeth Chapman decd.
In account with C. M. Joyner Executor of said E. Chapman

1869	To balance due legatee	\$ 200 00	
Nov. 1	By amt. of cash legacy under testator will	\$ 200 00	
		\$ 200 00	\$ 200 00

Adam Chapman legatee of Eliz. Chapman
In acct. with C. M. Joyner Exor. of said E. Chapman decd.

1869			
Nov. 1	To balance due the legatee	100 00	
" "	By amt. of cash legacy under will	100 00	
		\$ 100 00	\$ 100 00

1869			
Nov. 1	By balance due Estate per act. "A."		
	brought on		1525 27
	To bal. of legacy due A. H. Whitley wife	413. 00	
	" legacy due Chapman	200. 00	
	" legacy due Adam Chapman	100 00	
	" balance after paying said legacies		
	will left in hand of executor	812 27	
		\$ 1525. 27	\$ 1525 27

Residuary legacies.

By balance above brought down		812 27
To which the following parties are entitled, viz.		
The children of Georgiana Chapman	1/4	203 06 3/4
The children of Martha A. Joyner	1/4	203 06 3/4
The children of Mary M. Eley	1/4	203 06 3/4
Mary Eley	1/4	203 06 3/4
		\$ 812 27 \$ 812 27

Commissioner's Office, Isle of Wight County,

August 17th 1890.

To the Circuit Court of Isle of Wight County.

Pursuant to a decree of the said Circuit Court rendered on the 20th day of October, 1868, in a suit therein depending between Claudine Joyner late. deceased plaintiffs against C. M. Joyner as Executor of Elizabeth Chapman dec'd. late. defendants, directing a commissioner of said court to "take an account of the transactions of Charles Monroe Joyner as executor of Elizabeth Chapman, and ascertain the amount due the respective legates under said Chapman's will" Your commissioner reports to the Court that, on the 13th day of July last, he issued notices to the parties that he had appointed the 10th of August last to take, at his office, the said accounts, which notices were duly executed and returned to your commissioner. That on the day so appointed, the accounts were commenced but not being finished, were continued until the date of this report, when your commissioner made up and completed the foregoing accounts from vouchers & other evidence before him, and on the 1st day of November, 1869, finds a balance of \$1525.27 due from the said Executor to the estate, of which, the legates are entitled as follows - to wit: Leonard St. Whittier and Antoinette D. his wife, who was Eliza, are to receive the balance of cash legacy = \$413.00.

Benjamin Chapman is to receive his legacy of \$300.00.
Adam Chapman his legacy of \$100.00 - And the children
of Georgiana Chapman \$208.06 $\frac{3}{4}$; The children of
Martha Jones \$208.06 $\frac{3}{4}$ - The children of Mary M.
Ely \$208.06 $\frac{3}{4}$ - and Wm. Mary Ely \$208.06 $\frac{3}{4}$ -
The children above alluded to, being those of their
respective mothers who were living at the time of
the testator's death or born within two months after
her death, and are named as follows

Given under my hand as a commis-
sioner of said circuit court, the day and
year first aforesaid.

A. J. Young Comm.

Comm. fee	\$16.00
off. "	2.00
	<u>\$18.00</u>

Joynes & Co. f.d. Salts.

d. $\frac{3}{8}$ Cont. Report

Chapmans' Exor. Salts.

Aug. 29th. 1840. filed

To the Circuit Court of Isle of Wight County:

The undersigned special commissioner of sale under decree of said Court herunto annexed of October Term 1888 in the chancery suit of Ignace et al, reports to the court, that pursuant to said decree & after advertising according to the terms thereof, he exposed to sale at public auction on the premises on November the 24th 1888 the land in said suit mentioned whereof Elizabeth Chapman died seized, when William H Chapman became the purchaser thereof for the sum of \$4515.00 (Four Thousand Five Hundred & Fifteen Dollars) of which amount he paid \$179.37 in cash & gave his three several Bonds for \$1445.21 each payable respectively one, two, & three years from date, with interest from date Charles Edwards, & John J Murphy being his sureties in the first; W. J. Noble & Henry Whitley in the second; & Thomas Pitman & John H Whitley in the third bond - which Bonds are herewith filed - That out of said Cash payment he paid the costs of said suit as per Statement A - Statement A

Atty. Fee & suit fees -	50.50
Clerks Fees -	8.00
Sher. ffs -	.50
5 per Cent Comm on 300.00	15.00
2 per Cent on \$425.00	84.30
	<u>\$154.30</u>
Crier's Fee -	10.00
	<u>\$164.30</u>

leaving a balance in Cash in his hands of \$11.01.
The receipts of the parties to whom said cats were paid
are herewith filed.

All of which is respectfully submitted.

Signed - Charles M. Joyner

Rec^d, Jan'y. 2nd 1871. of the Clerk of Sals of Wight Circuit
Court, the following bonds to wit: The Bond of W^m W.
Chapman, Cha^s Edwards & Geo. J. Murphy, for the
sum of \$1445.21 & due 24th of Nov^r, 1868. Bond of W^m W. Chapman
W^m J. Womble & Henry Whitley for the same amount due the
24th of Nov^r, 1870. And the Bond W^m W. Chapman, Thomas
Pittman & John W. Whitley for the same amount
due the 24th of Nov^r, 1871.

Charles M. Joyner Esq.
of Va

Jay men Cats

W
Elizabeth Chapman
Elizabeth Cat -

Commissioner Jynis

Report of Sale

Under the case of

Oct 1868

Sept. 8th 1869 filed.

At a Circuit Court held for the County of Sechoy Wight on
the 20th day of October 1868.

Claudius Jayner, Lizzie Jayner, Leonora Eley and
Virginia Eley infants being by Charles W. Jayner as their
next friend, Mary Eley, Lenard Whitley & Antonio with his wife
formerly Eley. Attys

Against

Charles W. Jayner Executor of Elizabeth Chapman dec?
William R. Chapman, John F. Chapman Benjamin
W. Chapman, Josiah J. Chapman, Mary M. Chapman and
Edgar W. Chapman the last six infants Defs

This cause which has been regularly transferred
from the County Court, came on this day to be heard
on the papers formerly read, and on the report of Com-
missioners Harry Chapman, E. P. Wamble and
William H. Thomas under a decree of said Court of
September Term 1868. and was argued by Councils:
On Consideration whereof the Court confirming said report
to which no exceptions were filed, doth Adjudge, order
and decree that Charles W. Jayner, who is hereby
Appointed Special Commissioner for that purpose, proceed
to sell at public Auction on the premises, After having
given at least 20 days notice of the time and place
of sale by advertisement at the Court house door of this
County on some Court day, and at other public places
in said County, the land in the proceedings mentioned
whereof Elizabeth Chapman died, seized and possessed,
in the County of Sechoy Wight, containing by estimation
700 Acres, Adjoining the lands of William Thomas, John
E. Thomas and Andrew J. Bellins, on a credit of One,
Two & Three Years, in three equal payments bearing
interest from the day of sale, except so much for
Cash as will pay the Costs of this Suit and of said sale
inclusive of a reasonable Attorneys fee to C. B. Hay and for

for his Services in this Cause, — for the Great portion of said Sale the said Commissioner shall take three bonds in equal Amounts, with sufficient Security payable to himself as Commissioner respectively one, two & three Years from date, bearing interest from date, which bonds he shall return to Court, with his report of his proceedings under this decree and the Court doth further Adjudge, Order and decree that a Commissioner of this Court take an Account of the transactions of Charles Monroe Jayner as Executor of Elizabeth Chapman and Ascertain the amount due the respective legates under said Will, which accounts the said Commissioner shall take, settle and report to Court, with any matters specially stated deemed pertinent by himself or required by the parties to be so stated. — But the effects of this decree shall be suspended as to said Sale, until the said Commissioner shall execute in the Clerk's office of this Court, a Bond with sufficient Security, in a penalty of \$10000.00 payable to the Commonwealth of Virginia, Condition for the faithful performance of this or any other future duty herein,

a copy.

Att. Floy \$ 50.50
 Clk. (Estimate) 8.00
 Shff. .50
 Estimated Costs To \$ 59.00
 Sub

Teste, A. P. Gray, Clerk

May 1. 769. Recd Atty Fee with tax in above suit

C. B. Hayden

They for paid.

A. P. Gray

Recd Auctioneers Fee of Ten Dollars.

T. J. Clements & Co

Recd Sheriffs Fee of Fifty Cents.

for of Fifty and no more

The undersigned, three of the Commissioners,
under the decree herewith annexed, made at the
September Term 1868, of the County Court of Telf
High County in the Chancery suit therein
pending between Claudius J. J. J. and other
plaintiffs and Charles Monroe J. J. J. Executor of
Elizabeth Chapman & others defendants, beg leave to report
to Court that pursuant to said decree they proceeded
after being duly sworn
to make partition of the real estate mentioned in
said decree according to the terms of said decree,
but they are of opinion, that cannot be
conveniently made, and would be injurious to all
the parties interested in said land, because, the
shares by such partition would be so small
as to be comparatively valueless and as no party
will accept the entire subject or a part thereof
and pay the value of the same to the other
parties, Your Commissioners recommend the
sale of the whole land as most promotive of the
interest of all parties. Your Commissioners are
of the opinion, that the full simple value of the
whole land of which Elizabeth Chapman died
seized is \$ Five Thousand Dollars

All of which is respectfully submitted

Hardy Chapman
E. J. J.
W. J. Thomas

Isle of Wight County to wit I
a Justice of the Peace for the County aforesaid in
the state of Virginia, certify

personally appeared before
me and made oath

for my friend
stabs.

vs.

Chapman's Exor. state

Chancery

Report
of

Commissioners of Partitions

224.93

Jan 7th 1878 Received of C M
Jaguer executor of Elizabeth Chapman
Two Hundred & Twenty Four Dollars
& Sixty Three Cents; amount due
the under decree of Circuit Court
of City of Wight of Nov. Term 1877 in
Suit of Jaguer for friend Chapman
Executor
E. E. Bowden

Jan 7th 1878. Received of C M
Jaguer executor of Elizabeth Chapman
Sixty Dollars & Thirty Eight Cents balance
of sum of One Hundred Dollars
decreed to be paid the said Suit
of Jaguer for friend Chapman Ex-
C B Hayden

Rec^d Payment in full
of Cha^s M. Joyner Exp^t
Jan^y 29th 1858 W. S. Chapman ex^{te}
H. C. Chapman rec^d

On demand, I bind myself and my heirs
to pay to Hardy Chapman Committee of
Charles Edwards, the sum of four hundred
and ninety dollars, for value received,
Given under my hand and seal this 20th
day of September 1859.

Witness.
A. P. Young

— her
Elizabeth Chapman Seal
mark

Recd June 2nd 1793 of Cas. Symon
Esq^r of Elizabeth Chapin's
Seventy nine dollars &
Eight Cents $\$79.\frac{08}{100}$ in
Want Payment of the within
as per Subscribed Invoice attached
of said Elizabeth's Charge;
and in discharge here to this
date

W^m Chapin

Recd of 1793

Elij^d. Chapman
To $\$$ Bond.

Sd. Chapman Com^r
of Eld^r. Edwards.

5/14/74

672.95

Received of C M Joyner Executor of Elizabeth
Chapman Six Hundred & Seventy Two Dollars &
Ninety Five Cents, in full of the annexed Bond of
Elizabeth Chapman payable to Hardy Chapman
who was Committee of Charles Edwards; the under-
signed having since the death of said Hardy
Chapman qualified as Committee of said
Charles Edwards.

Jan 29th 1878.

Wm S. Chapman Committee
of Chas Edwards

Jan 5th 1878 - Received of O M
Fayner Adm of Elizabeth Chapman
One Hundred Dollars Atty. fee
decreed to be paid me in suit of
Fayner per friend of Chapman
et al in Circuit Court of Lib
of Wight -
John Goode
Atty.

Mr Elizabeth Chapman *Ward District,*
 1875. **To** *J. C. Warden, Jr. Sale of Wight Co., Va., Dr.*

To State Capitation Tax.....				
To State Revenue on <i>666</i> acres Land, value \$ <i>3250</i> at 50c per \$100	<i>12</i>	<i>40</i>		
To State Revenue on Personal Property, Bonds, &c., value \$ " " per \$100.....				
Amount of State Taxes.....			<i>16</i>	<i>40</i>
To County Capitation Tax.....				
To County Levy on <i>666</i> acres Land, value \$ <i>3288</i> at 33½c per \$100.....	<i>10</i>	<i>94</i>		
To County Levy on Personal Property, Bonds, &c., value \$ " at 33½c per \$100.....				
To County School Tax on Real and Pers'l Property, value <i>3280</i> at 10c per \$100....		<i>328</i>		
To District " " " " " " " 5c " "		<i>164</i>		
Amount of County Taxes.....			<i>15</i>	<i>86</i>
Total Amount of State and County Taxes.....			<i>\$ 32</i>	<i>26</i>
December 1st, 5 per cent. added			<i>161</i>	
			<i>33,87</i>	

Received payment.

Walter H. H. H. Treasurer.

Edz. Chapman

~~32.26~~

~~1.23~~

~~33.49~~

32.26

1.61

33.87

1.21

34.08

June 12/76

Paid on the written
Twenty Dollars (\$20.00)
by C. M. Johnson,

34.08

21

33.87

30

3.87

all paid

Joyner Blandins
Sals - per. C. M.

Joyner, my: fd:

\$1.22

Allen

Claudius J. Goyner sals. per C. M. Goyner nupt. fid.
1876 To the Clerk of Isle of Wight Cir. Ct.

1876 To the Coll of J. J. of Bright Cir. Cal.

1877. *Ch. Coube. vs. Chapman Exo. re*

1877
Apr. Filing & rept. 30. Decree & copy w. Do. 56

H. P. Young lck.

91.22

Helandius Joyner

2.36

5.69

1.70

55

72

122

1254

(

1876 - Blandius Joyner val. pr. L.M. Joyner
next friend.

To the Clerk of Jple of Wight Liv. let. W^r.
Apl: Continuation & Chapman's Exor val. .36
R. P. Young let. .36

Joyner Lhas: M Exor.

88.69

.72

.36

3..00

1..50

.55

1..22

- 1..20

814.74

~~2.34~~

814.08

allan

Charles M. Joyner Exor. Eliza Chapman
 1875. To the Clerk of Isle of Wight County Wm.
 Aug: Sept- Summons v W. Hittley 20: copy 10:
 Oct: noting 18: entering Attor: 10: filing
 Declaration 15: Rules 50: Docketing 18: 1.41
 Octo. 1st: Judgment & copy, taxing costs, issuing
 execution, filing papers and docketing
 judgment as Atkins &c 2.14
 Same as W. Hittley 2.14

2.14
 85.69

W. P. Young Clerk:

Joey's letter for &
.72

allan

L. M. Joyner, next to for Melandier's Joyner.

1875. To the Clerk of Isle of Light Rev: Let: 100.

Octo: Continuance of Chapman's rule. 36

72
H. P. Goring Clerk.

Joyner C. M.
Exor. of
Eliza Chapman
.55-

Albion

1876
Dec
C. M. Goyner Exor. of Eliz^a Chapman
To the Lk of Jele of Wright Lee let
leaves & cents. of credits on your
judg'ts. as Murphy & Chapman }
N. P. Young lck

Dr

.55-

Jenny C. M. exp.

\$1.50

Albion

C. M. Joyner Exor. of Eliza^a Chapman Jr
 1876 To the Clerk of Isle of Wright Civ. Ct.
 July. Search & copy bond vs. W. W. Chapman & als - per Hayden. .85-
 Do. & Do. judgment vs. same " " .85-
 Do. & " Exon. & return vs same " " .65-
 Do. & certf. of the docketing of said judgment. " .05-
N. P. Young Clerk - \$1.70

Joyner & M.

\$1.50

Seeding
Chapman } 500
fame } 6.50

50
\$7.00

David

J. P. Edwards
M. C.

1875

Mr. J. H. ...

1

... ..

...

Mar 24

... ..

}

1.58

... ..

... ..

C. M. Joyner.

Chapman & Co.
Exor,

. 50¢

David
J. B. Edwards
Shelton

1875

Aug.

10, Mr. Rogers Exor. of E. A. & Chapman

for the balance of the account \$100.00

Aug. 10th 1875 J. D. McCallister 50

1873-

Mr. C. M. Jaynes. Exor. Ely Chapman
to L. B. Edward
Lo. Services as Auctioneer in
Sale of Land \$5.00

Rec'd Pay mail
L. B. Edward
Auctioneer

allan

Recd of C. M. Form - Com: in Form
for friend Free Roll as 27th June
Free for sharing Recd to C. W. Chapman
at Cambridge - same as N. O. Public
Feb 1 - 1879 C. B. Hayden

Know all men by these presents, That
J. Hemming Nelson and George L. Nelson
are held and firmly bound unto the
Commonwealth of Virginia in the sum of
Five Hundred to the payment thereof, well
and truly to be made, or bind ourselves,
our Heirs, Executors and Administrators,
jointly and severally, firmly by these
presents. As witnesses our Hands and Seals
this 5th day of November in the year of our
Lord one thousand eight hundred and eighty
three. The condition of the above Obligation
is such, That whereas by a decree of the
Circuit Court of the State of West-County, Tennessee
on the 22nd day of Octo: 1883, in a cause de-
pending in the said Court, in which C. M. Joyner
next Jd. of Claudius Joyner et als. is Plaintiff
and C. M. Joyner, Exor. of Thos. C. Bowman et als.
are Defendants, the above bound J. Hemming Nelson
was appointed a Special Commissioner to collect
from C. M. Joyner the sum of \$569.61 with and
distribute the same under said decree.
Now if the above bound J. Hemming Nelson shall
faithfully discharge his duties as Commissioner
under the said decree, or any future decree in said
cause, then the above Obligation to be void, otherwise
to remain in full force and virtue, &c. We waive the
benefit of Homestead as to this Obligation.

Signed sealed & delivered
in the presence of

J. Henning Helms Seal
Geo. L. Helms Seal

In the Clerk's Office of the Circuit Court of
the State of North Carolina, the 5th day of Nov. 1883, this bond
was signed, sealed & acknowledged by J. Henning Helms
with Geo. L. Helms his security, who justified and
admitted to record.

Teste A. P. Young clk.

Chapman, Wm. J. Jr.
Bond of
Chapman, Wm. J. Jr.
Chapman, Wm. J. Jr.

Nov. 5th 1883.
C. J. & W. J. Jr.

Commissioner's Office.

Isle of Wight Co. Va., June 25th 1883.

To C. M. Joyner next friend of Claud.
Joyner & Co. and L. H. Whiting & wife

and to C. M. Joyner Executor of Elizabeth Chapman
decd: and W. B. Chapman, John B. Chapman, B. W. Chapman,
Joseph J. Chapman, Mary M. Chapman & Edgardo Chapman

Plaintiffs

Defendants:

You are hereby notified that I have fixed upon the 1st day of August 1883.
to take and settle, at my office aforesaid, the following accounts, to-wit: A further
account of the transactions of C. M.
Joyner as the executor of Elizabeth
Chapman decd: — together with any
other matter deemed pertinent
by himself or required by the parties
to be so stated.

Required to be taken by a decree of the Circuit Court of Isle of Wight County, rendered on
the 21st day of April 1883, in a suit in Chancery depending in the
said Court, in which you are parties, plaintiffs and defendants; at which time and place you are re-
quired to attend.

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

A. J. Young

Commissioner.

Joyner pr. fd.
etals.
vs. 3 Com. Motion

Chapman's Ex. Ch. Ch.

To 1st. Acct. 1883.

Exceeded by allowing
to the within name

3 M. Joyner & Co.

Whitely & wife each

a 'm copy of the
within Summons

July 14th 1883,

L. B. Edward Esq.

Commissioner's Office,

Isle of Wight C. H. Va May 22^d 1877.

To C. M. Joyner next friend of Claudius
Joyner tal.

Plaintiffs.
and to C. M. Joyner Executor of Elizabeth
Chapman decd.

Defendants.
You are hereby notified that I have fixed upon the 19th day of
July 1877 to take and settle, at my office aforesaid, the

following accounts to wit: A further account of the
transactions of C. M. Joyner as Executor
of Elizabeth Chapman decd.

Required to be taken by a Decree of the Circuit Court of Isle of Wight County, rendered
on the 23^d day of April 1877 in a suit in Chancery depending
in the 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 a Commissioner in Chancery of said Court the day and year
first aforesaid.

J. P. Young Commissioner.

Joyner & Co. per f.d.

or. 3 Com.
3 Notes

Chapman Ego. R.

✓ 10 July 19th 1871

//

Dever & Co. per f.d.

C B Hayden
Alg. R.

1871 C. M. Joyner

Commissioner's Office,

ISLE OF WIGHT COURTHOUSE:

Augt. 26th 1873,

*To C. M. Joyner, next friend: to
Mary Eley and L. H. Whitley and An-
toniette V. his wife*

Plaintiffs,

And

*To C. M. Joyner Executor of Elizabeth
Chapman dec'd & al.*

Defendants:

You are hereby Notified, That I have fixed upon the *12th* day of
September next. if fair, if not, the next fair day thereafter, (Sunday
excepted), to take and settle, at my office aforesaid, the following accounts:

*A further account of the transactions of
Charles M. Joyner as Executor of Eliza-
beth Chapman dec'd, and ascertain the
amounts due the several legatees in the
remainder in his hands, and also of
what the balance in said Executor's hands
consists, and whether any bonds origi-
nally good have been lost to the Estate
without any laches on the part of the said
Executor*

Required to be taken by decree of Isle of Wight *Circuit* Court, rendered on the
2nd day of *April*, 1873, in a suit in chancery depending in the
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 of the said Court, the day and year
first aforesaid.

L. P. Young

Commissioner.

Joyners per fd. tal.

vs. } Com. Notice

Chapman's Exor. tal.

To 12th Sept. 18th 43.

Executed by delivering to
the within named Mary
Eley A. N. Whittys and
A. V. Whittys a true
Copy of the within notice
Aug. 27. 18th 43.

A. B. Edward Shiff

Commissioner's Office,

ISLE OF WIGHT COURTHOUSE:

Augt. 26th 1873.

To C. M. Joyner Executor of Elizabeth Chapman decd.,
next friend of Claudius Joyner & Lizzie Joyner and
of Sonora & Virginia Ely, Mary Ely, and S. H.
Whitley & An Cornelia W. his wife

Plaintiffs,

And

To C. M. Joyner Executor of Elizabeth Chapman
decd. and A. P. Young adm. ad litem to the
infant depts. &

Defendants:

You are hereby Notified, That I have fixed upon the 1st 2nd day of
September next. if fair, if not, the next fair day thereafter, (Sunday
excepted), to take and settle, at my office aforesaid, the following accounts:

"A further account of the transactions
of Chs. M. Joyner as the Executor of Elizabeth
Chapman decd.; and ascertain the amounts
due the several legates in the remainder in
his hands; and also of what the balance
in said Executor's hands consists, and whether
any bond, originally given, have been lost to
the estate without any check on the part
of the said Executor."

Required to be taken by decree of Isle of Wight Court, rendered on the
22nd day of April, 1873, in a suit in chancery depending in the
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 of the said Court the day and year
first aforesaid.

A. P. Young

Commissioner.

Not enclosed in time in consequence of
sickness of Mr. Cobb and myself

W. W. Briggs and

Jacquar for fil. tar.

3 Cones, white

3.

Chapman's 'E' w. tar.

To J. H. Sept. 1847

KNOW ALL MEN BY THESE PRESENTS, That *Charles M. Joyner,*
John E. Adams, Isaac W. Duck & W. H. Thomas

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the sum of *Ten*
Thousand Dollars to the
 payment whereof well and truly to be made to the said Commonwealth of Virginia, *we* bind
ourselves *ourselves* heirs, executors and administrators,
jointly & severally, firmly by these presents. Sealed with *our* seals, and dated this

22 day of *November* one thousand eight hundred and *fifty eight*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the said
Charles M. Joyner, also by decree of the Circuit Court of Esch-
 of *Essex* county, rendered on the 20th day of Oct. 1868 in
 the suit of *Claudius W. Joyner* vs. *W. H. Joyner* & *W. H. Joyner* vs.
Elijah Chopman & *W. H. Joyner* is appointed a commissioner
 to sell the real estate of which *Elijah Chopman* and *W. H. Joyner* are said to be
 of *Essex* county. & under any other order or orders in the case
 shall faithfully discharge the duties of his said office, then this obligation is to be void, or else to remain
 in full force.

Signed, sealed, acknowledged and
 delivered in the presence of

Charles M. Joyner
John E. Adams
Isaac W. Duck
W. H. Thomas

SEAL
 SEAL
 SEAL
 SEAL
 SEAL
 SEAL

Journal.

(n. 3 Com. Board.

Chapman's Exp. r.

Nov 2^d 1868 Executed
Filed

I, Elizabeth Chapman, of the County of
Essex & Wight, Do make and ordain this
writing as my last Will & Testament, revoking
all or any will heretofore made by me in the
following manner, Viz:

1st " I give & bequeath to Antoinette V. Eley my niece
One thousand Dollars to be paid to her out of any
portion of my estate either real or personal
to her & her heirs forever,

2nd " The balance of my estate of every description
I direct shall be equally divided between
the following persons, Viz: My Sister Mary
Eley, the children of my niece Georgiana
Chapman, wife of Wm. W. Chapman; The
children of my niece Martha Ann Joyner
the wife of Monroe Joyner of Southampton
County, & Leonora & Virginia Eley children
of my niece Mary M. Eley dec'd;

3rd " Before the division mentioned in the
second clause of this will is made,
there shall be first paid the legacy to my
niece Antoinette V. Eley mentioned in
the first clause, and also to Benjamin
Chapman a child of my said niece Geo-
rgiana Chapman, the sum of Two
Hundred Dollars, in addition to his
distributable share as one of the children
of said Georgiana Chapman mentioned
in the second clause, and also to

Adam Chapman one hundred Dollars.
In the event of a sale of my Land
I hereby direct that the Grave Yard in
which my husband is buried, including
the quantity of land inclosed as such,
shall be reserved and never disposed
of, together with the free and full right
of ingress & egress to & from the same
to all members of my family or my
relations.

I constitute & appoint my friend Mon-
roe Joyner Executor of this my last
Will and Testament,

In Testimony whereof I hereunto set my
hand and seal, this 23rd day of April, one
thousand eight Hundred and Sixty eight.
Signed sealed & acknowledged
in the presence of us who Elizabeth^{her} Chapman (Seal)
were all present at the same
time,

Geo. H. Jordan,
Wm. A. Womble
N. P. Young

At a Court held for the County of Isle
of Wight, May 2nd 1868, The last will and
Testament of Elizabeth Chapman dec^d,
was proved by the oaths of Geo. H. Jordan
Wm. A. Womble & N. P. Young the subscribing

Witnesses thereto, and ordered to be re-
corded as her true last will and
Testament, and on the motion
of Charles M. Joyner the Executor
therein named, who made oath
& together with Wm. H. Thomas & Wm. W.
Chapman, his securities (who justified
entered into and acknowledged abroad
in the penalty of \$2000.00 conditioned
according to law (the entire value of
the Estate being \$1000.00 Certificate of
of probate is granted him on the
said will in due form, The requi-
site United States revenue Stamps
of \$2.00 being affixed to the bond and
Certificate & cancelled, ordered that
the said bond be recorded —,

Teste

N. P. Young clk.

Attest

Teste

Let. Hart. Jy. for
N. P. Young clk.

Elizabeth Chap-
-man's Will.

W. Chap-
man.

Received of the said Chapman
the sum of

Logan per friend
vs
Logan & als

This case involves the construction of 2nd clause of Elizabeth Chapman's Will, which reads as follows — "The balance of my estate of every description, I direct shall be equally divided between the following persons viz: my sister Mary Eley, the children of my niece Georgeanna Chapman wife of William W Chapman; The children of my niece Martha Ann Logan, the wife of Monroe Logan of Southampton County; — and Leanova and Virginia Eley children of my niece Mary M Eley deceased"

Do the legatees under this clause take per capita, or per stirpes? 2nd Loman on Exits 60, — & 2nd Jarman on Wills 80 —

The harsh & arbitrary per capita rule controlled the earlier English & American cases. This rule governed Blackler vs Webb, 2 P. W. 383 & other English cases quoted by Jarman & Loman in notes (f g) & i on page 80 & notes (a + b) on page 81 of Jarman, & note 6 on page 60 & note 1 on page 61 of Loman, Brewer vs Opie 1st call 212 — Pendleton vs Hoopes Wythe 94 & Crow vs Crow 1st Leigh were governed by this rule. This rule is censured though followed in Exdy Lincoln vs Elham 10 Ky 176. Jarman 2nd p 81 says "this mode of construction will yield to a very faint glimpse for different

intention in the context," Loman 2nd 61
says the "per capita rule, is the rule only in
the absence of any expressions indicating a
contrary intention". The per stirpes rule
governs the later cases in this country
Rowland vs Gorsuch 2nd Cox 187, 2nd Loman
61. Walker vs Griffin 11. Wheat 375. Alder
vs Beall & other cases quoted in note 1, 2
Jarman 80. Hamlett vs Hamlet 12th Leigh
356 & Horton vs Griffith 18. Grt 574.

It is submitted that this case like Ham-
lett vs Hamlet & Horton vs Griffith
should be governed by the per stirpes rule.
The naming of the children individually
is in favor of the per capita rule note 1
Jarman 80. The absence of such naming
of the children in this case favors the
per stirpes construction. In this case
the bequest must be regarded as given
to the children of the Deices, & they hence
take per stirpes as in Hamlet vs Hamlet
& Horton vs Griffith. In this case the county
court (has decided in favor of the per stirpes
construction)

Joyner per friend
vs
Joyner & als -

Note of Agreement
of
C. B. Hayden

Joyner per friend

11

Chapman Dec. 20th.

The question now submitted to the Court is, what is the proper construction to be placed upon the 2nd clause of the will of Mrs Elizabeth Chapman? That clause reads as follows "the balance of my estate of every description, I direct shall be equally divided between the following persons viz. My sister Mary Bley, the children of my niece Georgianna Chapman wife of W. W. Chapman, the children of my niece Martha Ann Joyner the wife of Monroe Joyner of Southampton County and Leonora and Virginia Bley children of my niece Mary M. Bley dec'd." We maintain that under this clause, the persons enumerated take per capita and not per stirpes. That is that the estate instead of being divided into four parts should be divided into eleven parts of which Mary Bley is entitled to one part, each of the children of Georgianna Chapman to one part, each of the children of Martha Ann Joyner to one part and each of the children of Mary M. Bley ^{to one part.} It is a well settled principle

of construction in such cases that where
a bequest is made to several persons in
general terms, indicating that they are to
take equally as tenants in common, each
individual will of course take the same
share, in other words the legacies will take
per capita. The same rule applies where a
bequest is to one who is living and to the
children of another who is dead, whatever
may be the relations of the parties to each
other or however the statute of distribu-
tion might operate upon those rela-
tions in case of intestacy. Thus where
property is given to my brother "A" and
to the children of my Brother "B,"
A takes a share only equal to that
of each of the children of B. So when
the gift is to A & B's children or to the
children of A and the children of
B, the children take as individuals,
per capita. The substance of this rule is
that in the absence of explanation,
the children in such a case are pre-
sumed to be referred to as individuals
and not as a class. Hoxton & others vs
Griffith & others 18th East 574 Bremer
& wife vs Opie 1st Ball 212. Brown vs Brown
1 Leigh 74. The Master vs The Master 10th
East 275. An examination of Howells

by ~~Hamletts~~ Exr 12 Leigh 350 relied on by
the opposite Counsel will show that there
were features in the will discussed in that
Case which distinguish it from this Case.
There is nothing in this will which shows
the testatrix intended the persons referred
to should take as Copres. The plain and
explicit language of the second clause
is that the estate shall be equally divided
between the following persons. There
is nothing in the third Clause or any
subsequent part of the will to militate
against this idea or raise a presumption
even that the testatrix intended they
should take by Copres. The mode of
distribution is fixed by the 2nd Clause
and it is not disturbed by any subsequent
part of the will. There is nothing in the will
which points in the remotest degree to a
distribution among Copres. No purpose is
indicated which would be at all sub-
served by dividing the legacies into
Copres and not regarding them as
individuals. The amount of the bounty
to be bestowed is the balance of her
estate. The objects of that bounty are her
sister Mary Gray. The Children of her
niece Georgianna Chapman. The Chil-
dren of her niece Mary Ann Joyner and

The children of her niece Mary M. Dey.
It only remains to ascertain their respec-
tive interests and that question is deter-
mined by the plain and explicit language
of the will. It is to be equally divided
between them as persons.

Respectfully
Yours &c.

Note of Bequest

to
George R.

Note of Argument upon the construction of
Elizabeth Chapman's Will.

The Court is asked to construe the following clause in the last Will and Testament of Elizabeth Chapman dec'd:

"2^d The balance of my estate of every description I direct"
"shall be equally divided between the following persons,"
"viz: my sister, Mary Eley, the children of my niece "
"Georgianna Chapman, wife of W^m. W. Chapman, the "
"children of my niece Martha Ann Boyner, the wife of "
"Monroe Boyner of Southampton County and Leonora "
"and Virginia Eley, children of my niece Mary W "
"Eley dec'd.

The question before the Court, is, Do the beneficiaries named in the foregoing clause take per capita or per stirpes, as individuals or as classes.

We find the general principle of law governing and determining the construction to be placed upon clauses of wills similar in their provisions to the one now under consideration very aptly stated in the following paragraph taken from a recent decision made by our own Court of Appeals.

"Where a bequest is made to several persons, in general terms, indicating that they are to take equally as tenants in common, each individual will of course take the same share; in other words the legatees will take per capita. The same rule applies where a bequest is to one who is living and to the children of another who is dead, whatever may be the relation of the parties to each other, or however the Statute of distribution might operate upon their relations in case of intestacy. Thus where property is given

"to my brother A, and to the children of my brother B, A"
"takes a share only equal to that of each of the children of"
"B. So when the gift is to A's and B's children, or"
"to the children of A and the children of B, the chil-"
"dren take as individuals, per capita."

Horton et al v Griffith et al 18. Gratt. 577.

This is the language of our own Court of Appeals, and
in my opinion it covers fully the case under considera-
tion. The identical language employed by the Court in
the extract above quoted, is employed by Elizabeth Chap-
man in disposing of her property in the second clause
of her will.

There are other decisions too which fully sustain the
principle laid down by Boynes & Horton et al,
as Griffith et al. I beg leave to refer your Honor particu-
larly and specially to the opinion of Carr J. in
Crow v Crow 11 Leigh 74. If we follow the rule laid
down by the learned Judge in that opinion we shall find but
little difficulty in deciding the question now under con-
sideration.

Upon this point see also

McMaster v McMaster 10 Gratt 275-

Harris v Thelphat 5 Decree Equity 324

Ward v Stowe 2^d Doveries " 509.

The Opinion of the Court in Ward v Stowe is given by
Gastin J. and is characterized by the same clearness and
perspicuity which mark all the efforts of that able and
distinguished jurist. I ask your Honor's careful conside-
ration of this opinion

Not only do the decisions in this country, but those also in England present one unbroken line for more than a century past in support of the rule of construction laid down by *Joyne v. in Horston & Griffith*.

The leading English case upon this point is *Blackwell v. Webb* as reported in 2^d *Pere Williams' Chancery Reports* p 383. The principle laid down by the Lord Chancellor in this case has obtained and governed in the English Courts from 1716 to the present time, and will be found upon examination fully to support the construction for which we are contending.

I refer your Honor also to the following English cases:

Davenport v. Hanbury 3 *Versey* 257

Barnes v. Patch 8 *Versey* 604

Lincoln v. Pelham 10 *Versey* 166.

We are frank to admit, however, that the rule for which we are contending is not inflexible. The language of the testator may be overcome and controlled by the discovery of a contrary intention in other parts of the will. The object of the Court will be, as far as possible, to carry out the intention of the testator. If, in the case now under consideration, we can find in any other part of the will anything that justifies the opinion that it was intended by the testator, that the children of her nieces were to take as classes and not as individuals, then the rule of construction upon which we have been insisting must yield to such intention. The Court, however, is not at liberty arbitrarily to assume that the testator intended to give to the parties per stirpes; there must be something

in the will itself to indicate such an intention. As for instance, in the case of Hoslon et al v Griffith et al supra. There, it was apparent that the testator intended the beneficiaries under his will to take as clauses and the Court did not hesitate to carry out his intention.

In the third clause of the will of the testatrix, one of the legatus, viz. Benjamin Chapman is referred to by name, as one of the dis-tributes under the 2^d clause of the will. True he is described as one of the children of Georgianna Chapman. This is eminently proper, inasmuch as his name had not been mentioned at all in the 2^d clause. It left no doubt as to the particular person designed by the testatrix to take this additional benefit under her will. But we respectfully submit that this language cannot be so tortured as to make it appear that the testatrix intended that the children of her niece should take per stirpes and not per capita.

A little attention to the language of the second clause we think will show conclusively that the testatrix ^{intended} that the parties should take per capita. Suppose we leave the children of Georgianna Chapman and of Martha Ann Joyner out of the clause altogether, how would it then read.

"The balance of my estate of every description I devise & shall be equally divided between the following persons viz. My sister Mary Eley and Leonora and Virginia Eley children of my niece Mary M Eley decd."

Does not this language declare an intention on the part of the testatrix that each of her grand nieces shall share equally with her sister, Mary Eley under the will?

And how we ask is the mode of distribution, or the intention of the testatrix changed by introducing other beneficiaries?

"Shall be equally divided between the following persons."

How clear and expressive this language? How aptly does it express the desire that her grand nephews and nieces should be equal sharers of her bounty. They all bore the same relation to her. She cherished the same affection for one that she did for each of the others, and she was unwilling in a dying hour to make better provision for one than for another.

Between the following persons.!! not families - not classes but persons. With what seeming care does the testatrix recognize and preserve the individuality - the personality of each individual object of her bounty. And she says too that it is her desire that each one of these persons shall share equally with the others in "the balance of her estate of her estate of every description. Individuality and equality seem to have been uppermost in her mind when she caused that clause of her will to be written. To distribute her property, therefore upon any other basis than that for which we are contending would be to thwart the intention of the testatrix and make, for her, a will which she never dreamed of making for herself.

Hamlett vs Hamlett 12 Grab 12 Leigh 350 is quoted and relied upon by the opposite side. It is unfortunate that the opinion of the Court in this important case is not given. It is indeed, as stated by the Reporter, a loss to the profession. In the absence of any stated reasons for the decision too much room is given for speculation and misconstruction.

It is barely possible, however, that Court intended to deny the authority of Blackler vs Webb, Crow vs Crow supra, and

other kindred cases;— on the contrary, it is more than probable, that the Court, heeding the argument made by the learned counsel for the Appellees, took into consideration "the circumstances of the testator, his estate and family, the situation of the legatees, their relation to and connexion with him," and gathered from all these an intention on the part of the Testator to give to the grand children as classes and not as individuals. It will be seen by reference to this argument, that an effort is made to distinguish this case from *Blackburn vs Webb* and *Crown vs Crown*. Under all the circumstances we do not consider the conclusion reached by the Court an unreasonable one nor do we think it conflicts at all with the decision in the two cases just named.

In comparing *Hamlett vs Hamlett's Ex.* with our case we find two marked and well defined points of difference.

First, in our case the bequest was to take effect immediately upon the death of the testator, while in *Hamlett vs Hamlett* the division was postponed until the death or marriage of the testator's widow. In our case the testator had on her mind's eye the very persons who were to take under her will, but assuming that same *Hamlett* intended that the legatees under his will should take per capita it was impossible for him to know who of his children's children would be alive at the death of his widow, and he could not therefore know what proportion of his estate would be taken by each of the beneficiaries. And besides, as the three sets of grand children increased, the aliquot parts of his own children would correspondingly decrease in amount. It is hardly probable that the Testator intended to make the claims of his own children, under his will so precarious and uncertain. So such difficulty, however,

presents itself in our case; - the testatrix overlooking entirely the claims of all her nieces, ~~places~~ her grand nieces and nephews in one long line before her and gives to each an equal share of her worldly estate.

Secondly: In Hamlett vs Hamlett's Ex. the contest was between children and grand-children - one class was one degree farther removed from the testator than the other. The five children named as legatees might with great propriety have asked, why should our father have given to the children of our sister Patty an interest twice so large on his estate than he has to either of us. No such question can arise in our case. Leaving the sister, Mrs. Eley out of the question, all the other legatees bore precisely the same relation to the testatrix. The claim which each had upon her bounty was just as strong as, but no stronger than that which every other legatee had.

There is, in conclusion, nothing in the view which we have taken of this controversy that savors of the least injustice to any one of the legatees. On the contrary the testatrix seemed to have been particularly anxious that her worldly estate should be distributed equally among her grand nephews & nieces, not forgetting in the mean while to provide for her sister, Mrs. Eley.

Respectfully Submitted
J. M. Clinton

Note of Argument by
James W. Hinton



Joyner per fist et als
vs.
Elizabeth Chapmanis, ex, et als

This cause came on
this day to be again heard
on the papers formerly read
and on the report of H. S.
Young, commissioner to take,
state and report to court,
a further account of the
transactions of C. M. Joy-
ner, as the executor of Eliza-
beth Chapman, deceased,
taking as prima facie cor-
rect, any account thereof
taken and certified in
a competent court together
with any other matter
Specially stated deemed
pertinent by himself or requir-
ed by the parties to be so stated
directed by decree herein of
Apr. term, 1883, and was
argued by counsel.

On consideration whereof
the court confirming said
report, to which no exceptions

were filed, doth adjudge,
order and decree, that H. Nelson
who is hereby appointed spe-
cial commissioner for that
purpose, collect of the said
C. M. Joyner the sum of
\$569⁵⁰/₁₀₀ as shown by com-
missioner Young's report to
be due by the said C. M.
Joyner, and after paying
thereout the unpaid cost of
this suit including an
attorney's fee of \$⁵⁰/₁₀₀ to
Herman Nelson for draw-
ing this decree he shall dis-
tribute the remainder of said
funds to the persons, and in
shares following, to wit:

To the residuary legatees
under the second clause of
Elizabeth Chapman's will
per capita, as construed by
a decree herein of Apr. term
1873, that is to say, he shall
divide the said sum of \$569⁵⁰/₁₀₀
in eleven equal parts one of
which parts he shall pay to
Mary Eley; one part, to each

of the children of Georgianna Chapman; on part: to each of the children of Martha Ann Joyner; and on part to each of the children named of Mary M. Clegg dec'd. paying the portion of the infants to their legal guardian, respectively, if any, if not, deposit it the same in the Marine Bank of Norfolk to the credit of such infants, taking the certificate of deposit of the Cashier of said bank therefor and return the same with the report of his proceedings under this decree, and paying the portion of the married women to such persons as they shall direct, on their respective private examinations, separate and apart from their respective husbands before and certified by a notary public, Justice of the Peace, or Commissioner in chancery, and filed with his report which he shall hereafter

make.

But the execution of this decree shall be suspended until the said Henning Holmes shall execute before the clerk of this court, a bond with sufficient security in the sum of \$1200.00 payable to the commonwealth of Virginia and conditioned for the faithful performance of his duties as commissioner under this decree or any other decree herein.

Copy as presented.

V.S.

Chapman's Exr.

Rough decree

October 4th 1813

To be entered

4-10-13

entered Oct 11.

x Fidelity is prima facie correct and
I don't understand it as being a
corrected copy.

For our pr. friend
Mr. E. L. Cheney
Chapman's Exr.

This cause came on
this day to be again heard on
the papers formerly read and
argued by counsel on consideration
whereof the court doth adjudge
order & decree that a commis-
sioner of this court do take
oath & report to court a further
account of the transactions
of Chas M. Jenner as executor
of Elizabeth ^{Jenner} together with
any other matters specially ~~demanded~~
stated & deemed pertinent by
himself or required by the par-
ties to be so stated

Joyner for frt.
W. E. DeLong
Chapman's Exp.

Rough Decree
April 1883
To be entered

Geo. V. Brown.

Entered 37

Jayner per friend et al -

Elizabeth Chapman executrix et al -

This cause in which it is suggested, that since the last decree herein, three of the infant plaintiffs, Lizzie Jayner, Leonora Eley, & Virginia Eley have respectively attained twenty one years of age, and that the said Leonora Eley has intermarried with E E Borden, and that the defendant Adam Chapman has departed this life, & it further appearing to the court that the said Adam Chapman has been paid his legacy in full, & that he has no further interest in this suit it is ordered that this suit be dismissed as to the said Adam Chapman, & on motion of Charles Monroe Jayner by counsel it is ordered that his name as next friend for the aforesaid plaintiffs Lizzie Jayner, Leonora Eley, & Virginia Eley be discontinued, that this suit be hereafter prosecuted in the names of the said Lizzie Jayner & Virginia Eley, & in the names of ^{said} E E Borden & Leonora his wife, formerly Eley; Came on this day to be again heard on the papers formerly read & on the Report of C M Jayner of Collection Payment, & deposit under the decree

Herein of October Term 1877, filed
May 29th, 1879, was argued by counsel;
on consideration whereof, the court-
confirming said Report, to which
no exceptions were filed, doth
adjudge order & decree that the
Clerk of this court deliver to the
said C M Joyner, on his filing
his Receipt therefor, the certificate
of deposit of the Cashier of the Farmers
Merchants Savings Bank Smithfield
for \$609.77, of February 7th 1879, filed
with his Report aforesaid, which certifi-
cate the said C M Joyner is hereby
authorized required to collect, & the
proceeds thereof, to gether with any
funds in his hands as Executor of
Elizabeth Chapman, or that may
come to his hands, after paying thereout
the unpaid costs of this Suit, apply
in satisfying the unpaid legacies, or
so much thereof as may be due under
the 3^d clause of Elizabeth Chapman's
will - & the balance distribute among
the residuary legatees under the
2^d clause of said will per capita
as construed by the decree herein
of April Term 1873, to wit; ^{divide} ~~divide~~
The said residuum into eleven
equal parts - one of which parts
shall be paid to Mary Eley; one
part to each of the children of Georgiana

Chapman: we paid to each of the
children of Martha Ann Jayner: &
we paid to each of the children named
of Mary M Eley decd. paying the
portion of the infants to their legal
guardian respecting if any, if
not deposit the same in the Marine
Bank of Norfolk to the credit of
such infant, taking the certificate
of deposit of the Cashier of said Bank
therefor. Return the same with his
report to court of his proceedings
under this decree - paying the
portion of the Married women to
such persons as they shall direct
in their respective ~~property~~^{property} examina-
tion, separate & apart from their
respective husbands before, &
Certified by a Notary public, Justice
of the peace, a Commissioner in
Chancery & filed of said C M
Jayner with his report aforesaid.
But the effect of this decree shall
be suspended as to said payments
to the guardians, ^{where such payments exceed \$300.00} until said guar-
dians shall respectively execute
& deliver to said C M Jayner
a bond with sufficient security
& with waiver of the homestead payable to
the Commonwealth of Virginia in a
penalty at least double the amount
paid such guardian, conditioned

for the faithful application of the
amount received according to
law, which includes the receipts of
the parties for said payments
which he is hereby required to take
he shall return to court with his
report of aresaid -

Gyner friend et al

Elizabeth Chapman & Co

Rough Decree

April Term 1882

To be entered

Geo. B. Brown, J.

(Entered 5)

And the balance of \$18.85, shown by Commissioner Young's report
aforesaid, to be in the hands of said C. M. Joyner, as executor of
Elizabeth Chapman

Joyner per friend
vs
Chapman's Executor & als

This cause this day came on to be again heard
on the papers formerly read, and on the
report of Commissioner Young of the
transactions of C. M. Joyner as executor of
Elizabeth Chapman under the decree herein
& on statement of the debt due Edward & Bowden
of April term, 1877, filed July 20th, 1877, and
was argued by Counsel, on consideration whereof,
the Court confirming said report, to which no
exceptions were filed, doth adjudge, order and
decree, that the Clerk of this Court deliver
unto Charles M. Joyner, the two bonds of
C. H. Chapman, Mills Godwin and Dempsey
Whitehead for \$755.00 each, payable respectively
twelve months and two years from the 1st
day of October, 1875, returned by said
C. M. Joyner, with his second report of
sale herein, which bonds, the said Charles M.
Joyner is hereby authorized and required
to collect, and the proceeds thereof after
paying thereout, the costs of this suit inclusive
of the Attorney's fee of \$100.00, each to John
Goode Jr and C. B. Hayden, directed to be
paid them by the decrees herein of April
term, 1873, (on so much thereof as may still be
due) apply in payment of the several debts
against the estate of Elizabeth Chapman
mentioned in Commissioner Young's former
report of debts filed herein, December 17th,
1875, paying the debt of Edward & Bowden.

- therein mentioned as modified by said Statement
X, showing a balance due said Bowden of
\$200.68, with interest from the 2 day of
January, 1875

paying the same in full, if sufficient, and if not
pro rata, and the balance if any deposit in
the Farmers & Merchants Savings Bank of
Smithfield, to the credit of this Cause,
subject to the future order of the Court
herein, taking the receipts of said parties
for said payments and the certificate of
the Cashier of said bank for said deposit
and return the same to Court with his
report of his proceedings under this decree.
And the Court doth further adjudge,
order and decree, that on the payment
in full of said bonds, by said O. H. Chapman,
the said O. H. Joyner who is hereby appointed
a special Commissioner for that purpose,
shall execute and deliver to the said
O. H. Chapman, a good and sufficient deed
in fee simple, with special warranty, for
the tract of land in these proceedings mentioned
whereof, Elizabeth Chapman died seized
and possessed, in the County of Isle of Wight,
containing by estimation 700 acres, be the
same more or less, lying adjacent to the

Lands of William Thomas, John E Thomas,
Abraham Velhues and others

Joyner per Friend²
vs

Chapman's Executor et al

Rough Decree,
Octo Term, 1877,
To be entered.

Geo. B. W.

(Entered 7)

Ipswich Circuit Court, April 23^d 1877.

Claudius Joyner et als. vs. fd. Petts

Against J. Du Chancel
Charles M. Joyner Exor. of Elizabeth
Chapman decd. et als.

This cause this day came on to be again heard on the papers formally read, and on the report of Court. St. J. Young under the decree herein of October term 1874, filed herein Decr. 14th 1875, and on the 2nd rept. of sale of Court. C. M. Joyner under the decree herein of April term 1873. and filed herein May 24th 1876, and was argued by counsel on consideration whereof the Court confirming said reports, & which no exceptions were filed, doth adjudge, order and decree that account of this Court, take a further account of the transactions of C. M. Joyner as Exor. of Elizabeth Chapman decd., in taking which account, he shall take as prima facie correct, subject to be changed & falsified by either party, any account of the transactions of said Exor. regularly taken and confirmed in account of competent jurisdiction.

Attest Teste.

W. H. Edwards D. C. for St. J. Young

Joyner p. 84.

or 3 Quaker City Dec
Jan 1877.

Chopman Stals

//

May 22^d 1877-

Notice to Jan 19th-

//

For a copy

from [unclear]

Joyner for friend

Chapman &c -

This cause this
day came on to be again heard on
the papers formerly read & on the
Report of Commissioner N P Jones
under the decree herein of Oct Term
1874, filed herein December 17th 1875
& on the 2nd Report of Sale of Commis-
sioner C M Joyner under the decree
herein of April Term 1873, filed
herein May 24th 1874, it was argued &
counsel, on consideration whereof the
Court confirming said reports to
which no exceptions were filed, doth
adjudge order & decree that a Com-
missioner of this Court take a further
account of the transactions of C M Joyner
as executor of Elizabeth Chapman dec'd
in taking which account he shall take
as prima facie correct, subject to be
recharged & falsified if either
party any account of the transactions
of said executor regularly taken &
confirmed in a court of competent
jurisdiction ~~shall then~~

Joyeux anniversaire
Chapman & Co

Rough House
April Term 1877
La be entered

Geo. B. Lord.
—

Entered 37

In Isle of Wight Circuit Court, October 9th 1874,

Claudius Joyner & als, per f. & c. Plffs.

Against } In lchy:

Charles W. Joyner Executor of Elizabeth Chapman dead; Wm. R. Chapman & als, Defts.

This Cause this day came on to be again heard on the papers formerly read, for the report of Com^r. Young under the decree herein of April term 1873, And was argued by counsel: On consideration whereof the Court confirming said report to which no exceptions were filed, doth adjudge, order & decree that the plaintiff C. W. Joyner the Executor of Elizabeth Chapman proceed to collect immediately by suit or otherwise the bonds in his hands as Executor aforesaid, reported in account "C" of Com^r. Young's report aforesaid, and make report to Court of his proceedings under this decree. And the Court doth further adjudge order & decree that a Com^r. of this Court take an account of all outstanding debts and demands against Elizabeth Chapman or her Estate, with their respective dignities, which account he shall take settle and report to Court, with any matters specially stated, deemed pertinent by himself or required by the parties to be so stated, Attest. Teste, Geo. Hart, D.C., for U. P. Young, Clk.

Journals per f^o 10

vt. } Copy of decree

Eliza Chapman's Expte.
Octo. ter. let. 1874,

2

For Comm. in Chy.

Soyner & Co Friends

Chapmans Executors

This cause this day came on to be again heard, upon the papers formerly read on the report of Amos Young under the decree therein of April Term 1873. It was argued by counsel, on consideration whereof, the Court confirming said report to which no exceptions were filed, doth ad judge order & decree that the Plaintiff C M Soyner the Exr of Elizabeth Chapman proceed to collect immediately by suit or otherwise the sum in this decree as aforesaid reported in a bill of Amos Young, report aforesaid make report to Court of his proceedings under this decree & the Court doth further ad judge order & decree that a Com of this Court take an asc of all outstanding debts and demands against Elizabeth Chapman or her heirs with their respective equities, which asc he shall take, settle & report to Court with any matters specially stated, affirmed & settled by himself or requested by the parties to be so stated

Joyner & Friend

73

Chadman & Sons

Branch Office
Oct Term 1874
John entered

Geo. P. Jones

Entered
(48)

In Isle of Wight Circuit Court, April 21st 1873,

Claudius Joyner, Lizzie Joyner & also, *Plffs.*

vs.

J. Suleby;

Cha^s. M. Joyner Executor of Elizabeth
Chapman dec'd. W^m. R. Chapman & also. *Defts.*

This Cause this day came on to be again
heard on the papers formerly read, on the petition
of W^m. R. Chapman, John T. Chapman, Benja-
min W. Chapman, Josiah C. Chapman, Mary
M. Chapman, & Edgar W. Chapman by W. W.
Chapman their next friend, & on the report of C. M.
Joyner under the decree herein of October Term
1870, & was argued by counsel: on considera-
tion whereof the Court confirming said
report to which no exceptions were filed,
doth adjudge, order & decree that this Cause be
reheard as to the proper construction of Eliza-
beth Chapman's Will, as to the interest of the
legatee under the 2nd Clause thereof, and this
Cause coming on to be reheard & argued
the Court doth adjudge, order & decree that
under a proper construction of said Clause
of said Will the legatee should take per capi-
ta under the same, and that the residuum
should be divided into eleven equal parts,
of which one part should be allotted to Mary
Ely, one part to each of the children of
Geo. Joyner Chapman, one part to

part of the children of Martha Ann Foyner,
one part to each of the children named
of said M. Foyner. And this is made
a decree herein in conformity with
1868, of the County Court of Schofield
as directed after Sturges division of the
land, and so much of the decree herein of
this Court of October Term 1870, as confirmed
such distribution of the personal Estate
in the account made up by Com^r Young
be set aside, And without disturbing the de-
cree herein of October Term 1868, directing,
the sale of the real Estate of Elizabeth Chapman,
& confirming the sale thereof reported by Com-
missioner C. M. Foyner made under said
decree, doth further adjudge, order & decree
that so much of said report of Com^r Young
be recommitted, as distributed the residu-
um of the Estate per stirpes, & that said
commissioner make up a further account
of the transactions of said C. M. Foyner as Execu-
tor of Elizabeth Chapman, & ascertain the
amounts due the respective legatees in the residu-
um in his hands on the principle in this
decree indicated of a per capita distribution,
in making up which account the said Com-
missioner shall ascertain of what the bal-
ance mentioned in his report aforesaid

as in the hands of said Executor consists,
And Whether any bonds originally good have
been lost to the Estate without any laches on
the part of the said Executor; which accounts
the said Commissioner shall take settle and
report to Court, with any matters specially
stated deemed pertinent by himself or required
by the parties to be so stated, And the Court
doth further adjudge, order & decree that
C. M. Joyner Executor of Elizabeth Chapman
pay the unpaid costs of this suit inclusive
of an Attorney's fee of \$100.00 each to John
Gooden, and C. B. Hayden for their services
in this Cause, and the Court doth further ad-
judge, order & decree that unless within 60
days from the date of this decree, W. W. Chapman
or some one for him pay in full the three
bonds for \$1445.21, payable respectively one,
two and three years from the 24th day of
November 1868, with interest from that date,
subject to the credit and owes thereon, given by
said W. W. Chapman for the purchase of the
land in these proceedings mentioned, C. M.
Joyner who is hereby appointed Special Comm^r,
for that purpose, proceed to resell the land in
these proceedings mentioned & hereof Elizabeth
Chapman died, seised in the County of Isle
of Wight, containing by estimation 700 acres,

lying adjacent to the lands of W^m Thomas, John
 E. Thomas & A. J. Vellines, on a credit of one
 and two years in two equal payments with
 interest from day of sale, except so much
 for each as will pay the costs of suit & sale,
 at Esleor Wight Courthouse on some court
 after having given at least twenty days notice
 of the time & place of sale by advertisement
 at the Courthouse door of said county on
 some court day previous to the day of sale.
 at other public places in said county, taking
 for the credit portion of said sale two bonds
 in equal amount payable one and two years
 from day of sale, with interest from that
 date, payable to himself as commissioner
 with sufficient security, which bonds he
 shall return to court with his report of
 his proceedings under this decree. And
 the court doth further order that a copy of
 this decree be served on said W. W. Chapman,
 c Hoopy, Tette,

C. H. H. & L. & L.

for money & sale.

pay decree

W. W. Chapman's Exor & ad.

Chapman's Exor & ad.

To be returned within
 60 days from 23^d of
 Apr. 1897.

Not. for sending W.
 W. Chapman at his
 usual place of abode
 I delivered a true
 copy of this decree to
 Georgiana Chapman
 the wife of W. W. Chapman
 being a white person
 over the age of 18 years

H. N. Edwards

D. S.

Pay me for friend's sake

Chapman, ^{as} Executor

This cause this day
Came on to be again heard on the papers
formerly read, on the Petition of W^m R
Chapman, John I Chapman, Benjamin W
Chapman, Josiah C Chapman, Mary M
Chapman, & Edgar W Chapman by J W Chapman
their next friend & on the report of C M
Ignier under the decree herein of October
Term 1870, & was argued by counsel, on
consideration whereof the Court confirm-
ing said report to which no exceptions
were filed doth adjudge order & decree that
this cause be reheard as to the proper construc-
tion of Elizabeth Chapman's will as to the interest
of the legatees under the 2^d clause thereof, &
this cause coming on to be reheard & argued
the Court being doth adjudge order & decree
that under a proper construction of said
said will the legatees should take per capita under
the same & that the residuum should be
divided into eleven equal parts of which one
part should be allotted to Mary Eley, one
part to each of the children of Georgian Chapman,
one part to each of the children of Martha
Ann Ignier & one part to each of the children
named of Mary M Eley dec'd - & that ~~and~~
so much of the decrees herein of Sept Term 1868
of the County Court of Isle of Wight as directed

a per stirpes division of the land & so much
of the decree herein of this court of Oct Term
1870, as confirmed such distribution of the
personal estate in the of made up of
Commissioner Joseph ^{be set aside &}
^{herein of Oct-Term 1868}
without disturbing the decree, directing
the sale of the real estate of Elizabeth Chop-
man & confirming the sale thereof reported
of Commissioner C M Lyner made under
said decree doth further adjudge order
& decree that ^{so much of} said report of Commissioner
Joseph be re-committed as distributed
the residuum of the estate per stirpes & that
said Commissioner make up a further
account of the transactions of said C M
Lyner executor of Elizabeth Chopman
& ascertain the amounts due the respective
legates in the residuum in his hands on the
principle in this decree indicated of a per
capita distribution, in making up which
account the said Commissioner shall
ascertain of what the balance mentioned in
his ~~the~~ ~~last~~ report aforesaid as in the hands
of said executor consists whether any
lands arising & good have been lost to the
estate without any laches on the part of
the said executor: which accounts the
said Commissioner shall take settle &

Report to Court with any Matter specially
Stated deemed pertinent by himself or requir-
ed of the parties to be so stated - & the Court
doth further adjudge order & decree that
C M Jaynes shall pay
the unpaid costs of this suit inclusive
of an ^{attorneys} fee of \$10000 each to Jno Goodys &
C B Hyden for their services in this cause -
& the Court doth further adjudge order & decree
that unless within 50 days from the date of this
decree H H Chapman or some one for him pay in full
the three three Bonds for \$14437.21 for dole
respecting 1st & 3 years from ~~the~~ the 24th day of
November 1868, with interest from that date, subject to the credit
endowed thereon given by said H H Chapman -
for the purchase of the land in these proceedings
mentioned - C M Jaynes who is hereby appointed
special Commissioner for that purpose proceeds
to sell the land in these proceedings mentioned
whereof Elizabeth Chapman died seized in
the County of Isle of Wight containing by estimation
700 - acres - lying adjacent to the lands of
Wm Thomas, Geo P Thomas, & J Bellinger on a
Credit of 1. & 2 years in two equal payments -
with interest from day of sale, except so much for
Cash as may be the cost of suit & sale - at Isle of Wight
CH, or some Court day after having given at least twenty
days notice of the time & place of sale by advertisement
at the CH door of said County on some Court day

previous to the day of sale & at other ^{public} places in said
 County, taken for the credit of said
 sale two bonds in equal amount payable one & two
 years from day of sale with interest from that date
 payable to himself as commissioner with suffi-
 cient security - which bonds he shall return
 to court with his report of his proceedings under
 this decree - & the court doth further order that a
 copy of ^{this} ~~said~~ decree be served on said W W
 Chapman -

Pay am for friend

Chapman. Esq

Ralph Elman

April Term 1873

to be entered

Geo W. Storer

Entered

Q Can the court order said wife to said boy want-
 or her pring execution in a way is not? Dependent
 a part from her, with husband & their consent
 being, can tipple & drink in a public place & punish this
 court -

Jogues perfd & all.

Chapman's Exor & all.

This cause this day came
 on to be again heard on the papers formerly
 read and on the Report of Commissioner
 or J. P. Young under the Decree herein
 of October Term 1868, and was argued by
 counsel; on consideration whereof the
 Court do confirming said Report
 to which no exceptions were filed
 doth adjudge order and decree that
 C. McGoyrus Executor of the estate
 of Chapman out of the sum of \$1525²⁴/₁₀₀
 with interest thereon from Nov 1st
 1869 after paying the unpaid costs
 of this suit first pay the sum of \$1300
 with interest thereon from Nov. 1st 1869
 to Leonard H. Whittier, ^{very right of} ~~and~~ Antonette Whittier
 wife late Eley, to the legal Guardian of
 Benjamin Chapman \$200⁰⁰ with
 interest thereon from Nov 1st 1869, to
 Adam Chapman \$100⁰⁰ with interest
 thereon from the same date, and the
~~balance of said fund he shall distribute~~
~~as follows: to wit 1/4 thereof to be equally~~
~~divided between the six children of~~
~~Georgianna Chapman, viz: William R.~~
~~John F. Benjamin W. Josiah J. Sarah M.~~
~~and Edgar W. Chapman paying the~~
~~same to their respective legal~~

Can the court order the said wife to said pay over-
 when paying expenses in an way is to be. Dependent
 a part from her said husband & her consent-
 being contended & said in a petition filed in this
 court -

Jogues perfd & ab.

Chapman's Exor & ab. D

This cause this day came
 on to be again heard on the papers formerly
 read and on the Report of Commissioner
 or J. P. Young under the decree herein
 of October Term 1868, and was argued by
 counsel; on consideration whereof the
 Court do confirm said Report
 to which no exceptions were filed
 doth adjudge order and decree that
 C. Jogues Executor of Elizabeth
 Chapman out of the sum of \$25,250²⁸/₁₀₀
 with interest thereon from Nov 1st 1869
 after paying the unpaid costs
 of this suit first pay the sum of \$1300
 with interest thereon from Nov. 1st 1869
 to Leonard W. Whittier, ^{per right of} ~~and~~ Antionette Whittier
 wife late Eley, to the legal Guardian of
 Benjamin Chapman \$2000 with
 interest thereon from Nov 1st 1869, to
 Adam Chapman \$1000 with interest
 thereon from the same date, and the
 balance of said fund he shall distribute
 as follows: to wit 1/4 thereof to be equally
 divided between the six children of
 Georgianna Chapman, viz: William R.
 John F. Benjamin W. Josiah G. Henry M.
 and Edgar W. Chapman paying the
 same to their respective legal

~~Guardian. — to the legal Guardian of~~
~~Claudius Joyner & Lizzie Joyner infant~~
~~Children of Martha A. Joyner each~~
~~1/8 of said balance; to the legal Guardian~~
~~of (honorable) child of Mary M. Ely 1/8 of~~
~~said balance; to the legal Guardian of~~
~~Virginia Ely child of said Mary M. 1/8~~
~~of said balance — to Mary Ely 1/4 of said~~
~~balance.~~ And The Court doth further
adjudge order and decree that the
Clerk of this Court deliver to the said
Charles M. Joyner, on his filing his
receipt therefor, the Bond of William
W. Chapman, Charles Edwards and John
J. Murphy for \$1445.²¹/₁₀₀ due 12 months
from the 24th day of November 1868, with
interest from date and the Bond of
William W. Chapman, William J. Hombie
and Henry Whitley for the same amount
payable 2 years from said date with
interest from date and the Bond of
William W. Chapman, Thomas Pitman
and Josiah W. Luthy for the same
amount payable 3 years from
the same date with interest from
date, returned by him with his
former Report of Sale herein, which
Bonds the said Charles M. Joyner

Take apart in the Citizens Bank of
New York to the credit of Mrs.
Carr, subject to the further order
of the Court. Having the Receipts
of the Cashier of the Bank & return
the same with his Report to
Court of his proceedings under
this Decree.

is hereby authorized and required
to collect as they shall respectively
fall due and the proceeds thereof
with the sum of \$11.01 shown by
his said Report of sale to be in his hands &
~~distribute among the children of~~
~~Georgiana Chapman Marshall & James~~
~~Marshall & Mary~~ and Mary in the
~~manner herein before directed as to~~
~~the balance of the personal funds in~~
~~said Executors hands to bring the~~
~~Receipts of said parties therefor and~~
~~return the same with his Report to~~
~~Court of his proceedings under~~
~~this Decree.~~

But the effect of this Decree shall be
suspended as to the said payments to
said parties until they or some one for
them shall respectively execute
with sufficient security Bonds payable
to the Common Wealth of Virginia in
a penalty double the amount of
the sums respectively received by them
under this Decree, conditioned to refund
their due proportion of any debts or demands
that may hereafter appear against the
said Elizabeth Chapman or her
Estate together with the costs attending

the recovery of the same, which Bonds
the said Specutor shall return to
Court with his Report aforesaid
And the Court doth further adjudge
order and decree that on the payment
of the said Bonds by the said William
W. Chapman the said Charles M
Joyner, who is hereby appointed Special
Commissioner for that purpose
shall execute & deliver a good and suffi-
cient Deed in fee simple with
special warranty to the said William
W. Chapman, for the land in these
proceedings mentioned purchased by
him, consisting of a tract of about 400 acres more
or less whereof Elizabeth Chapman died
seized and possessed in the County of
Essex right adjacent to the lands of Mr Thomas Joyner.
Thomas B. G. Welles

Joyner for fd. sale

18.

Chapman's for. sale

Roughd decree of
October term
1840

To be entered.

G. W. B. Low. Jr.

Ent'd 42.

Claudius Joyner & Lizzie Joyner Leonora Eley Virginia
Eley infants suing by Charles Monroe Joyner as their
next friend Mary Eley Leonard Hittley and Antoinette V,
his wife formerly Antoinette P. Eley & Adam Chapman,
the last six infants

Plaintiffs

V.S.

Charles Monroe Joyner Executor of Elizabeth Chapman,
William R. Chapman, John F. Chapman, Ben-
jamin W. Chapman, Josiah Chapman, Mary W. Chapman
& Edgar W. Chapman,

Defendants

In the opinion of the Court, the distributive share of the
defendants ^{split} Mary Eley, Claudius Joyner, Lizzie
Leonora Eley & Virginia Eley -
Joyner, in the land in the proceedings mentioned, is
of greater amount or value than the sum of three hundred
dollars, and it is therefore ordered, that this suit be removed
to the circuit court of this county,

Goyner per friend }
et als. H. }
Chapman's Exor. et als. } Chancey

Decree
transferring cause to
Circuit Court
6th Term 1848
To be entered -

Wm. H. Chancey

Tayner per friends & al

11

Chapmans Executors & al -

This cause which has been regularly transferred from the County Court - came on this day to be heard on the papers formerly read & on the report of the Commissioner Hardy Chapman, & P. Hornblow & Wm. Thomas, under a decree of said court of September Term 1868, was argued by counsel,

on consideration whereof the court, confirming said report to which no exceptions were filed, doth adjudge order & decree that

Charles Monroe Tayner, who is hereby appointed special Commissioner for that purpose proceed to sell at public auction on the premises, after having given at least 20 days notice of the time & place of sale by advertisement at the Court House door of this county on some court day & at other public places in said county, the land in these proceedings mentioned whereof Elizabeth Chapman died seized & sponored in the county of Isle of Wight containing by estimation 100 acres, adjoining the lands of Wm. Thomas, Geo. E. Thomas & J. Bel- lines on a credit of one, two, & three years in three equal payments bearing interest from the day of sale, except so much for cash as will pay the costs of this suit & of said sale

inclusion of a reasonable Attorneys fee to C B Hayden
for his services in this cause - for the credit of said
of said sale the said Commissioner shall
take three Bonds in equal amount, with
sufficient security payable to himself as
Commissioner, respectively one, two & three
years from date, bearing interest from date,
which Bonds he shall return to Court, with
his report of his proceedings under this decree -
& the Court doth further adjudge order &
decree that a Commissioner of this Court -
take an account - of the transactions of
Charles Monroe Taylor as Executor of Elisabeth
Chapman - & ascertain the amount due
the respective legatees under said will
which account the said Commissioner
shall take, settle report to Court with
any matters specially stated deemed
pertinent by himself or required by the
parties to be so stated -

But the effect of this decree shall be sus-
pended as to said sale, until the said
Commissioner shall execute in the

Clerks office of this Court, a Bond with
sufficient security, in a penalty of \$10000.00
payable to the Commonwealth of Virginia
conditioned for the faithful performance of
this or any future decree herein -

Pay now per paid

U

Chapman & Co -

Lab -

Rough Clear

Oct Term 1868

To be entered -

L. H. Bailey

1868

Entered

Claudius Joyner & Lizzie Joyner Leonora Eley Virginia
Eley infants suing by Charles Monroe Joyner as
their next friend Mary Eley Leonard Whitley and
Antoinette V. his wife formerly Antoinette V. Eley
& Adam Chapman the last six infants. Plaintiffs

vs.

Charles Monroe Joyner Executor of Elizabeth Chapman
William R. Chapman John F. Chapman, Benjamin W.
Chapman, Josiah F. Chapman, Mary M. Chapman
& Edgar W. Chapman Defendants

This day came the plaintiffs and filed their Bill, and on
their motion N. P. Young is assigned Guardian ad
litem to the infant defendants William R. Chapman, John
F. Chapman Benjamin W. Chapman Josiah F. Chapman
Mary M. Chapman & Edgar W. Chapman to defend their
interest in this suit and thereupon the said
Guardian ad litem filed the answers of the said
infants to the Bill of the Plaintiffs, and the defendant
Charles Monroe Joyner as Executor of Elizabeth Chapman
filed his answer to which answer of the infant
defendants the plaintiff replied generally and the
cause coming on to be heard upon the Bill
of said answers and general replication, and
exhibits, was argued by counsel. On consideration
whereof the Court doth adjudge, order, and decree, that
Hardy Chapman E. P. Wornble, R. St. Pulley & J. P. Selmes
& William S. Thomas who are hereby appointed special
commissioners for that purpose any three or more
of whom may act, having been first duly sworn,

do proceed to lay off and divide the real estate
of which Elizabeth Chapman died seized and
possessed, consisting of a tract of land in the County
of Iscough containing about 700 acres adjoining
the lands of William Thomas, John R. Thomas & A. J. Velins,
into four equal parts, having regard to quality and
quantity, and assign one of four said parts to Mary
Eley — and divide one of four said parts equally
between the children of Georgianna Chapman, six
in number to wit William R., John R., Benjamin R., Josiah
J., Mary M., & Edgar H. Chapman — and divide one of said
four parts between Claudine Goyner & Lizzie Goyner the chil-
dren of Martha Ann Goyner — and the remaining fourth
part divide equally between Leonora Eley & Virginia
Eley the children of Mary M. Eley — But if the
said commissioners should find that such partition
can not be conveniently made the entire subject
may be allotted to any party who may accept of it and
pay therefor to the other parties such sum of money
as their interest therein may entitle them to or if
the interest of the said parties will be promoted by
the sale of the entire subject, or allotment of part
or sale of the residue, they will so report to Court
with the facts upon which their opinion is based
and if they should recommend such allotment
they will report the sum or sums to be paid,
and by whom and to whom, and also what in
their opinion is the fee simple value of the whole
of real estate of which said Elizabeth Chapman died
seized & possessed and in either case they will report to Court
their proceedings under this decree

Joyner vs friend } In
et al. } vs. } Chancery
Chapman et al.

Rough Decree
September Term 1868
To be entered

W. L. B.

Claudius Joyner & Lizzie Joyner Sonora Eley Virginia
Eley infants suing by Charles Monroe Joyner
as their next friend Mary Eley, Leonard Whitley
and Antoinette V. his wife, formerly Antoinette V
Eley & Adam Chapman. the last six infants, Plaintiffs

18,

Charles Monroe Joyner, Executor of Elizabeth Chap-
man, William R. Chapman, John F. Chapman,
Benjamin W. Chapman, Josiah J. Chapman,
Mary M. Chapman & Edgar W. Chapman, Defendants

This day came the plaintiffs and filed their
Bill and on their motion N. P. Young is as-
signed Guardian ad litem to the infant defen-
dants William R. Chapman, John F. Chapman,
Benjamin W. Chapman, Josiah J. Chapman,
Mary M. Chapman & Edgar W. Chapman to defend
their interest in this suit and thereupon the
said Guardian ad litem filed the answer
of the said infants to the Bill of the Plaintiffs, and
the defendant Charles Monroe Joyner as Executor
of Elizabeth Chapman, filed his answer to which,
answer of the infant defendants the plaintiff
replied generally and the cause coming on, to
be heard upon the Bill of said answers and
general replication, and exhibits was argued
by counsel, On consideration thereof the Court
doth adjudge, order, and decree that Hardy
Chapman, E. P. Womble R. S. Sully, A. J. Telum &
William S. Thomas, who are hereby appointed

Special Commissioners for that purpose, any three or more of whom, may act, having been first duly sworn, do proceed to lay off and divide the real estate of which Elizabeth Chapman, died seized and possessed, consisting of a tract of Land in the County of Suffolk, containing about 200 acres adjoining the lands of William, Thomas, John & Thomas, & A. J. Kelnes into four equal parts having regard to quality & quantity, and assign one of four said parts to Mary Eley — and divide one of four said parts equally between the children of Georgianna Chapman, six in number, to wit; William R. John F. Benjamin M. Josiah J. Mary M. & Edgar W. Chapman — and divide one of said four parts between Claudius Joyner & Lizzie Joyner, the children of Martha Ann Joyner — and the remaining fourth part divide equally between Sonora Eley & Virginia Eley the children of Mary M. Eley — But if the said Commissioners should find that such partition can not be conveniently made the entire subject may be allotted to any party who may accept of it and pay therefor to the other parties such sums of money as their interest therein may entitle them to or if the interest of the said parties will be promoted by the sale of the entire subject or allotment of part or sale of the residue, they will so report to Court

with the facts upon which their opinion
is based and if they should recommend
such allotment they will report the sum
or sums to be paid and by whom, and to
whom, and also what in their opinion
is the fee simple value of the whole of
real estate of which Elizabeth died seized
& possessed and in either case they will
report to Court their proceedings
under this decree.

Joyner & friend
et al.
vs.
Chapman & others
Chancery

A copy
of
Decree for Commissioners

Isle of Wight County, to wit: I W^m T. Barnes -
a Justice of the Peace for the County aforesaid in
the State of Virginia, certify that Hardy Chapman
E. P. Womble & W. H. Thomas personally appeared before
me and made oath that they would to the best of
their ability faithfully execute the within Decree
Given under my hand this 7th day of September
1868.

Wm T Barnes J.P.

fixed upon, in compliance with the said notice which had been duly served and returned, the said C. M. Joyner as such Executor, and who is next friend of the plaintiffs as well, and J. H. Nelson of counsel for the distributees & defendants, appeared before your commissioner, and the said C. M. Joyner as such Executor stated that he had accounted for all the moneys that had come into his hands as such Executor and had no further account to make of his transactions. That your commissioner proceeded to examine the records and proceedings of the said suit, in which the transactions of the said Executor have been settled, and finds that all the moneys that have come into the hands of the said C. M. Joyner as the executor of said deceased have been accounted for and distributed under decrees of the court in said suit. But that it appears from the report of said C. M. Joyner who was likewise the commissioner for sale of the land of said testatrix under decrees in said case and for collection

of the bonds of the purchaser, Wm
 W. Chapman, that on the 4th day of
 March, 18th 82, he collected from said
 purchaser, on one of the said land
 bonds the sum of ——— \$ 335.56
 and that it also appears from said
 records of said suit that the said
 sum, so collected, has not been
 accounted for by the said Joryer as
 commissioner in any one of his
 reports as commissioner, nor does
 it appear in any one of his accounts
 as the Executor, that said sum has
 been accounted for. Your com-
 missioner has, therefore, at the re-
 quest of counsel, for distribution
 made and reports to the court the
 following statement showing
 the amount in said Joryer's hands
 as commissioner, To wit:

Am't. collected as aforesaid	335.56
Deduct thereon from 4 th March,	
18 th 82 to 20 th Octo. 1883	234.05
	\$ 569.61

Given under my hand as commissioner
 of said circuit court, at my office, the 1st day
 August, 1883.

A. J. Young com.

Joyner perf'd.

or. 3 In cluc

Chapman's Ex. 104

Report of commr.

Young under decree
of April term 1883.

Filed 2nd August
1883.

" Acts, term 1883
confirmed.

In the Circuit Court of Isle of Wight County,
April 21st, 1883.

Clara - Joyner, pr. fd.

vs. } In Chan'cy.

Eliz^a Chapman's Exr: et als

This Cause came on this day to be again heard on the papers formerly read & was argued by Counsel. On consideration whereof the Court doth adjudge, order & decree that a Commissioner of this Court do take, state & report to Court a further account of the transactions of Chas. M. Joyner, as Executor of Elizabeth Chapman, decd.; taking as prima facie correct any account heretofore taken & certified by a competent Court, together with any other matter specially stated deemed pertinent by himself or required by the parties to be so stated.

a copy.

Teste, N. P. Young clk.

Joyner's gift
to. $\frac{3}{4}$ In clu.
Chapman's est.

Co. Ac. of Feb. 1883
Jan 20th 1883.
Notice sp. to 1st
Sept. 1883.

For acc't.