

1783-012

SOUTHAMPTON COUNTY
CHANCERY PAPERS

JOYNER

VS.

JOYNER

6/1783

Joyner } Ben
Joyner } An

March 1779

Int. Deceer

Lev. 1782

Cont^d for
rep^t.

Feby 1783 Cont^d

for rep^t

ap^d. Cont^d for rep^t

June Cont^d

Damifed

To the wise & right justices of Southampton
county sitting in Chancery

Humbly complaining sheweth unto your worships
your oratrix Sarah Joyner. That one Israel Joyner your
oratrix late husband ~~was~~ being seized of certain
lands in the county of Southampton under his last
will & testament bearing date the ^{day of} November
1777 wherein he devised to your oratrix by the name of
his beloved wife Sarah among other things One third
part of the plantation whereon he then lived during
his life - & in another clause of the said will the said
Israel devised to his son John the plantation ^{on}
whereon he then lived with all the edifices & improvements
on the same containing two hundred & forty acres
to him this heister ever - that the said will hath
been duly proved & allowed in the court of the county
of Southampton. to which your ^{oratrix} refers - Your Oratrix
further sheweth that she is desirous that her one
third part of the said plantation may be set apart
& partition & division of the same made for which
purpose your Oratrix hath applied herself to
the devisee ^{John Joyner} who claims the residue of the said
lands & plantation ^{he} But now so it is May it please
your worships that the said John Joyner being an
infant of tender years cannot legally consent to
any partition or division of the said lands so
as to be valid & binding without the interposition

of account of Chancery To the end therefore that
the said John Joyner by his guardian to be appoin-
ted by this court may upon his corporal oath tell
true & perfect answer make to all & singular the
allegations herein contained as fully & particularly
as if the same were herein again repeated. And
that this worshipful Court will Deere Order &
appoint some fit & capable persons to make
partition & division of the lands herein before
mentioned & set apart one third of the said 240
acres ~~of land~~ being the plantation whereon the
Israel Joyner dwells for the use & benefit of your
Orator ^{for the term of his life} that the persons so appointed make their
report to this court & that the same by the Courts
deeree may be made for in stable & binding between
your Orator & the said John Joyner and that
your worship will make such other decree in
the premises as may be agreeable to equity &
good conference May it please the

Hells for Comfort.

The answer of John Joyner an infant by
Nathan Barnes his guardian to the bill of complaint
of Sarah Joyner complainant

This defendant now and at all times reserving to
himself all advantages of exception to the errors &
imperfections in the bill contained for answer thereto
this defendant saith that the allegations therein
contained are true as the same are therein set
forth. and this defendant is willing in willing
to submit to the Deere of this worshipful court &
that such partition & division be made in the
lands & plantation as is prayed for in the bill
he hopes the court will will pay due regard to his
infancy & that he may be hence dismissed with
his costs in this behalf sustained

Nathan Barnes