

1847-001

SOUTHAMPTON COUNTY
CHANCERY PAPERS

ALLEN and Wife vs. JOYNER etal

11/1847

other surnames: Powell

22 12

Allen & Wife

to } Papers.

Joyner &c

1847 Nov. Dec. 12

Allen V. G. G.

to Stat. Rules

Former yes

Thomas Allen & Elizabeth his wife

vs.

Henry Joyner & Joseph Joyner Jr. admrs. of Joseph Joyner Sr. decd.

1845 May 23^d Sup^a. issue returnable to June Rules

" June R. Sup^a. not executed on Henry Joyner. Jos Joyner not found. - Bill filed -
New sp^a. awarded to Dft. Jos Joyner Jr. ad Jos Joyner Sr.

July - " Sp^a. not ret^d.

" Aug. " Cause set for hearing as to Dft. Henry Joyner.

" Nov Term. Dure for an account.

1846. Jan'y. R. Set for hearing as to Dft. Jos. Joyner admrs.

" Oct 9. Report

" Nov. 9 - Dure to pay for \$137⁵⁰/₁₀₀ and for one moiety of the land

1847 Nov. T. Dure final.

Allen and Wife

vs 3 Bills
Gymer & Co -

=
Gholson & Jones
for Comps
— " —

1845 June Rules

To, The Hon^{ble} Judge of the Cir. Sup^{ct} Ct of
Law and Chy. for the County of Southampton
Humbly Complaining sheweth unto
your Honor your Complainants Thomas
Allen and Elizabeth B. his wife formerly
Elizabeth Joyner that he the said Allen
in right of his wife who is the daughter
of Bennett Joyner dec^d, is entitled to an in-
terest in an undivided tract of land in the
County of Southampton containing 250 acres more or
less all of which will more fully appear by refer-
ence to a deed of gift herewith filed marked
A and prayed to be taken as a part of this
Bill,

Your Complainants represent
that the said deed of gift was made in
1797 by John Joyner for the benefit of his
wife Priscilla, and his children Bennett &
Matilda Joyner — that Bennett Joyner has
died leaving only one child your Complainant
Elizabeth — that John Joyner was also
dead — as well as Priscilla his wife who
was entitled to a life interest in a portion
of the property, and who died in year or two
ago, — that since the making of the afore-
said deed of gift Matilda the other daughter
when married with one John Preece, and they
united in a sale of their interest in the above
tract of land to John Joyner who afterwards
sold the same to Henry Joyner his son who
is now in the possession of the Land —

Your Complainants further state

That Joseph Joyner Sr. the Trustee in the deed of gift is dead, and that Joseph ^{Joyner} Jr. resided in his house -

Your Complainants moreover inform your Honor that John Joyner the original grantee made his will dated Feb. 24th 1833, and admitted to probate in the County Court of Southampton on the 19th of July 1846, by which he bequeathed the above-~~said~~ property to his wife Priscilla for her life, and at her death to go to Henry Joyner - a copy of the will marked B is hereunto filed and prayed to be considered a part of this Bill -

Your Complainants would call the attention of your Honor to the said exhibit, by which it will be seen that a number of negroes were conveyed in addition to the land aforesaid - that one third of the land, and one third of the slaves & other personal property were to be held by the Trustee for the use of the wife Priscilla for life and at her death for the use of Beunite & Matilda the children & their heirs forever and the residue of the estate both real and personal to wit, the remaining two thirds, for the use of Beunite & Matilda, their heirs & assigns, forever, to and for them to be equally divided -

Your Complainants charge and represent, that they have never received any of their portion of this property to which they are justly entitled - that the aforesaid Henry Joyner

is still and has been for a long time in possession of this tract of land, with many of the negroes, enjoying them use & profit - that they have frequently applied to him for a fair partition of the land & division of the negroes, but he refuses to surrender them.

Your Complainants contend that they are the owners of ~~this estate~~ a part of this estate for they claim under a conveyance made long anterior to that which is the basis of the claim of Henry Joyner.

In Tender Consideration whereof & for as much as your Complainants cannot be fully relieved except by a Court of Equity. To The End Therefore that justice may be done they pray that Henry Joyner and Joseph Joyner or either of Joseph Joyner Jr. may be made parties defendants to this Bill, and fully & unequivocally answer the allegations thereof - that Henry Joyner may be required to state how many of the negroes aforesaid he has in his possession, and what has become of the remainder if he has not them all - that a partition and partition of the land may be decreed to your Complainants - and that your Honor will grant such other relief in the premises as equity may dictate & the nature of the case may require - May it please -

John & James -
Pl Compls

Handwritten

2 } answer of
Henry J. J. J. J.
J. J. J.

1845 November Term

Anson of Henry Joy in to a bill of Complaint exhibit-
ed against him & others in the Circ Superior Court of
the County of Southampton by Thomas Allen wife &

This respondent brings in for answer to the complainant's bill or
as much thereof as he deems it material for him to answer - Says
that until the institution of suit some few years since, by the
female complainant in the aforesaid bill, he was entirely igno-
rant of the existence of the deed of gift or rather the deed of
trust exhibited in the bill, under which the complainants
claim - That it was executed before this respondent was born as
appears from its date, and if said deed at the time of its execution
was a real bona fide deed, this respondent believes it was not
so considered since by the parties, from the fact that the grantor
in said deed, who was the father of this respondent, died some
few years since leaving a will, in which he devised the tract
of land specified in said deed, being nearly his whole estate, to
his wife Priscilla for life or during widowhood and then to this
respondent, which will appear from a copy of said will, filed with
this answer - And also from the further fact that said grantor at
his death was in possession of none of the property specified in
said deed except the land - This respondent states that he is not
in possession of any of the property specified in the deed except
the land, nor has he ever been in possession of any what that except
and knows not what are become of the negroes or any other of the
property mentioned in the deed - that he has been in possession of the
land since his father's death, and brought himself, all the per-
sonal property thereof, with the exception of some few
valuable articles which he found in the house - And having
answered prayer here to be dismissed the court with costs &

Reddy & Goodwyn
Atty for Deft

Southampton County to wit.

Henry Joyner this day personally appeared before me
a justice of the peace for the County aforesaid and made oath
that the facts stated in the within answer are true to the
best of his knowledge and belief - Given under my hand.

this 20th day of October 1845

Jas Barnett J. P.

Allen &
in
J. J. Allen &

Allen

Nov. 1828

To be collected

RHB

Allen & wife }
Joyner & d. }

~~Thursday~~ This cause came on this day to be heard on the bill, answer of Henry Joyner application thereto, & exhibits, and was argued by counsel. On consideration whereof the court doth adjudge order & decree, that Geo. W. Goodson take an acc^t. of the unity of the land in the proceedings mentioned, since the death of H. Joyner came into the possession of the same, and make apart thereof to cost, with every meeting specially stated deemed pertinent by himself or which any of the parties may require to be stated -

Allen & wife

d. } Copy Done

Joynes

March 18th 1846

Southampton Circuit Superior Court November the 10th 1845
Thomas Allen and Elizabeth his wife

Plffs.

{ In Chancery

against

Henry Joyner and Joseph Joyner Jr. admors of Joseph Joyner Sr. Deft.

This cause came on this day to be heard on the bill, answer of Henry Joyner, replication thereto and exhibits and was argued by counsel: On consideration whereof the Court doth adjudge, order and decree that Commissioner Goodwyn take an account of the rents of the land in the proceedings mentioned since the defendant Henry Joyner came into possession of the same and make report thereof to Court with any matters specially stated deemed pertinent by himself or which any of the parties may require to be so stated.

Attest
J. R. Edwards Clk

1846 November Term

Secur

To be entered

R. H. B.

Allen & wife
to } In chg
Joyner & al

This day this cause came on again to be heard on the papers formerly read and the report of Commissioner Goodwyn made pursuant to the order at the November Term 1845- to which no exceptions have been filed, and was argued by Counsel: On consideration whereof the Court, confirming said report, doth adjudge, order and decree that Henry Joyner pay to Thomas Allen & Elizabeth his wife the sum of One Hundred and thirty Seven dollars and fifty cents.

And the Court doth further adjudge, order & decree that Benjamin E. Pope, Henry Hendon, and Sampson C. Rouse any two of whom may act, be appointed Commissioners, and with the aid of a competent Surveyor (if necessary) set apart and allot one half of the land in the bill mentioned to the Complainants Thomas Allen & Elizabeth his wife and the other one half to Henry Joyner, and that the said Commissioners make report to this Court in order to a final decree.

Allen & wife

v. } Copy Deed

Doynes

1847 Nov. 1st

Southampton Circuit Superior Court November 12 1846
Thomas Allen & Elizabeth his wife

Plffs.

against

Henry Joyner & Joseph Joyner Jr administrators of
Joseph Joyner dr. dec?

Defls.

In Chancery

This day this cause came on again to be heard on the papers formerly read and the report of Commissioner Goodwyn made pursuant to the order at the November Term 1845 to which no exceptions have been filed and was argued by Counsel. On consideration whereof the Court confirming said report doth adjudge, order and decree that Henry Joyner pay to Thomas Allen and Elizabeth his wife the sum of One hundred and thirty seven dollars and fifty Cents. And the Court doth further adjudge, order and decree that Benjamin E Pope Henry Hindred and Sampson C Reese, any two of whom may act, be appointed Commissioners and with the aid of a competent Surveyor (if necessary) set apart and allot one half of the lands in the bill mentioned to the Complainants Thomas Allen and Elizabeth his wife and the other one half to Henry Joyner. And that the said Commissioners make report to this Court in order to a final decree.

Attest

L R Edwards Clk

Allen & Wife

vs

Joyner

=

Time being

To be entered

R. H. P.

1847 Nov. Term

C.S. 6

Allen vrede

2 } Sp^a in city

Joyner & Co

1845 June Rules

Excluded on Henry
Joyner.. Joseph Joyner
fr not found

W. B. Farrar.. D. H. J.
S. B. Hines.. H. H. J.

New Sp^a fr Joyner fr. 1845.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Henry Joyner & Joseph Joyner*
advers. of Joseph Joyner dec^d

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *June* next, to answer a Bill in Chancery exhibited against *them* in the said Court by

Thomas Allen & Elizabeth D. his wife

And unless *they* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *23rd* day of *May* 18*45*, in the *69th* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

C.S.B

Allen Gripe

W. G. Sp. in Chy

Joyner Gc

1845 November Rules

Executed

B. M. Gooden Deputy
of S. B. Hines Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

*Joseph h. Joyner Jr. admor of Joseph
Joyner Sr. -*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the
County of Southampton, at the Rules to be holden for the said Court on the first Monday in
November next, to answer a Bill in Chancery exhibited against ~~him~~ ^{another} *him* in
the said Court by *Thomas Allen & Elizabeth B his wife*

And unless *he* shall answer the said Bill within ~~four~~ ^{two} months thereafter, the Court will
take the same for confessed, and decree accordingly. And this *he* shall in no wise
omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON
R. EDWARDS, Clerk of our said Court, at the Court-house, the *6* day of
October 184*5*, in the *70* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

Attended wife

i 3 Commrs. Notice

Joyned

March 18th 1846

Continued to

Sept-24th 1846

The well manufactured notice of the within notice
of my former

Commissioners Office

Feb. 17. 1846

Thomas Allen, Elizabeth B. his wife ~~Henry~~ Joyner and
Joseph Joyner J. adm. of Joseph Joyner Es.

You are hereby notified, that pursuant to an order
of the Circ-Sup. Court of Southampton County, made on
the 10 November 1845; I shall, on the 18th day of March next
at 10 O'clock, at the Commissioners office in Jerusalem,
proceed to take the account therein required, at which time
and place you are requested to attend with the necessary evi-
-dence

H. S. Goodwyn

Comm: in Chancery

Wm Ben Edwards and Henry Kindred Comrs
appointed by the Superior Court of the State of
of 1846 agreeable to the annexed order have
proceeded to divide the tract of Land therein
named. Commencing (as follows) beginning at
the Wolf Pitt Branch at a Black gum in said
branch in Thomas Nassons line making a
corner for Henry Joyner and Thomas Allen and
Elizabeth B his wife running thence about a
North West course a line of marked trees to
a red oak in William G Wilsons line
making a corner for the said Henry Joyner
and Thomas Allen and Elizabeth B his wife
allotting to Henry Joyner all the Lands on the
East side of said line with all the Buildings
and to the said Thomas Allen and Elizabeth
B his wife all the Lands on the west side
of said line done and respectively submitted
this 28.th day of October 1847

Wm Ben Edwards Comr
Henry Kindred Comr

Allen scrips

i } Court:
Jury } Report

case is heard October 9th 1846

no decree filed
what sum is demanded
does not appear
without calculation

Allen & wife

i

Joyner

}

Commrs. office. Sept 24th 1846

Pursuant to an order of court of
Nov: 10th 1845, the Commissioners have been to report
that the parties interested failed to attend before the
court on the 18th March 1846, at which time the
notice was originally given, and the proceedings were
continued to the 24th Sept: 1846 -

From the testimony of witnesses examined before
the court in the absence of the parties, the land
in the proceedings mentioned, since it has been in
the possession of Henry Joyner, September 1833
has been worth annually the sum of twenty
five dollars

Respectfully submitted

M. S. Goodwyn

Comm. fee - \$.50

chd to Thomas Allen

M. S. Goodwyn

}

Comm. fee chd

Note -

Am't rent of land 11 years at \$25 p. year -

\$275.00

" Allen & wife's portion $\frac{1}{2}$ -

137.50

Respectfully submitted

M. S. Goodwyn

At a Court held for the County of Southampton the 21st day of May 1798
 This Indenture was proved by the oaths of John Woodward Holliday Riddle and Nathan
 Conylysh three of the witnesses thereto and ordered to be Recorded

Saml. Wells Cl.

Attest

John L. R. Edwards Clk

Dec of gift. received in 1797

Joyner }
 to } Dodel
 Joyner }

(Attest)

Joyner & Allen & wife
 to } Exh. with bill
 Joyner

(At)

This indenture made the 22^d day of Nov. One thousand seven hundred and ninety seven
Between John Joyner of the first Joseph Joyner, trustee specially appointed of the second
part and Priscilla Joyner ^{Wife of John Joyner} of the third part. Witnesseth that the said John Joyner for and in
consideration of the natural love and affection which he hath and beareth unto the said
Priscilla his wife and Bernet and Matilda Joyner his children as also for and in consid-
eration of the sum of Ten pounds current money to him in hand paid by the said Joseph
Joyner the receipt whereof the said John Joyner doth hereby confess and acknowledge he
the said John Joyner hath given granted bargained and sold alien enfeoff release
and confirmed unto the said Joseph Joyner his heirs executors administrators and assigns
all that tract or parcel of Land situate lying and being in the County of Southampton
containing by Estimation two hundred and fifty acres being the same Land whereon the
said John Joyner at present residing also seven slaves to wit Sarah Aggy Joe Dinah
Ethelred Tom and Allen two horses twenty one head of Cattle all the stock of hogs House
hold and kitchen furniture plantation Menns and one hundred and fifty barrels
Corn. To have and to hold the said Land slaves and personal chattels unto the said Joseph
Joyner his heirs executors administrators and assigns to and for the use trusts intents and purposes
herein after set forth and to and for no other use intent and purpose whatsoever that is to say
in trust to be holden by the said Joseph Joyner to be applied in the following manner to
wit One third of the said Land and premises $\frac{1}{3}$ of the slaves and other personal property to and
for the use of the said Priscilla the wife for and during her natural life and after
her decease then the said One third of the Land and personal property to be holden to and
for the use of Bernet and Matilda Joyner the children aforesaid and their heirs
forever and the residue of the said Land slaves and personal property to wit the remaining
two thirds thereof in trust to and for the use of Bernet and Matilda Joyner the children
aforesaid and their heirs and assigns forever to be equally divided between them and the
said John Joyner for himself and his heirs the said Land slaves and personal property
unto the said Joseph Joyner his heirs executors administrators and assigns shall and will
warrant and forever by these presents according to the true intent and meaning hereof
and to and for no other use intent and purpose whatsoever. And Witness whereof the
parties aforesaid have hereunto set their hands and seals the day and year first above written.

Sealed and delivered

In presence of
Nathan English
Holladay ^{his} Ruelle
John Woodward
expressed.

Teste
John Woodward -
Holladay ^{his} Ruelle
Nathan English

Received Nov. 22^d 1797 of Joseph Joyner the sum of Ten
pounds in full of the consideration money in the foregoing deed

John ^{his} Joyner (Seal)

Priscilla Joyner (Seal)

Joseph Joyner (Seal)

John ^{his} Joyner
mark

John Jaynes

Will

Alfred

Allen & Wife

is

{ Chb. with bill

Jaynes &c

(13)

In the Name of God Amen I John Joyner of the County of
 Southampton and State of Virga being this Twenty fourth day of
 June eighteen hundred and thirty three in sound mind and
 memory do make and ordain this to be my last will and
 testament in manner and form following to wit
 Item I Give to my beloved wife Priscilla Joyner all my Estate
 both real and personal during her natural life or widowhood
 and after her death or widowhood I give and bequeath unto
 my son Henry Joyner all my estate both real and personal
 to him and his heirs forever but he the said Henry Joyner
 is to keep and maintain my daughter Harriet J. Joyner
 during her natural life or so long as she may live single
 disannulling all other will or wills before by me made
 Making this to be my Last will and testament At witness
 my hand and affixed my seal the date above written
 signed sealed & acknowledged

in presence of us
 Darius Waller
 Willie Joyner
 Thomas Porter
 Jesse J. Porter

his
 John Joyner (Seal)
 Mark

At a Court held for the County of Southampton on the 19th
 day of February 1844 This Last will and Testament of
 John Joyner did was proved by the oaths of Willie
 Joyner & Jesse J. Porter two of the subscribing witnesses thereto
 and Ordered to be recorded

Test. J R Edwards: Cllg

Recd

Test. J R Edwards: Cllg