

1853-139

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WHITEHEAD et ux et al vs. JOYNER

12/1853

other surnames: Howell,
Edwards, Houel, Howel,
Joiner

Whitened down d

25 } Bide d.
 Joyner

1835 Nov. Deere as filed &

1837 March. Rept. not 26.

Refer to pay to the parties the
 lands to which they are entitled.

Eley, Joyner's land not to be paid over
 Deere Butler W. v. Joyner W.

Nov. 1841.

To the mosthipful the County Court of Southampton
sitting in Chancery:

Humbly complaining shew unto
your worships your complaints, dothens Whitehead and
matilda his wife, March Howell and Emma his
wife, Everett Edwards and Catherine his wife, Leff
Joyner, Samuel Joyner, Eli Joyner, Lem. Joyner,
and Eliza Joyner an infant by the said Eli Joyner
her next friend, that Jordan Joyner departed this
life some years since unmarried and without issue
having made and published his last will and
testament. That the paper writing purporting to be his
last will was admitted to probate by the County Court
of Southampton as a valid disposition of his estate
real and personal, but in a suit in Chancery, brought
to contest the validity of his said will, the Circuit Supr.
Court of Law and Chancery for the County of Super,
has decreed that the said will was not competent to
pass the Testator's real estate, and that as to that
the said Jordan Joyner died intestate. Your Com-
plainants state that his real property consisted of a
tract of land lying in the County of Southampton con-
taining about ninety acres - and that his next of Kin
were his brothers and sisters, namely Harrison Joyner, &c.

Complainants, Matilda, Emma, Catherine, Liza and Harriet of
the whole blood, and Eli, Lemuel and Eliza of the half blood.
That their respective shares would not amount to three hun-
dred dollars in value - and they wish a sale of the said land
and division of the proceeds according to law. That this cannot
be had without the aid of a Court of Equity. In tender consid-
eration whereof and for as much as your Compts are remedied
at law, so the mas that the said Harrison Joyner may be
made defendant hereto and compelled to answer the alle-
gations hercof. they pray the Courtth writ of Sp^{ca} directed &
commanding &c. that your worship will decree a sale
of the said land and a division of the proceeds amongst
the parties according to their respective rights, and grant
them general and special relief and as in duty bound
they will pray &c.

mason for plffs.

The separate answer of Harrison Joyner to the foregoing
Bill of Complaint. ~~This~~ Respondent saving &c. for an-
= swer to the said Bill says, that he admits its allega-
= tions and has no objection to the decree asked for and
having answered prays &c.

mason for Defd

Whithead and wife and others

Harrison Joyner

Plffs }
In Chy. }
Defas }

This cause was this day docketed by consent of parties with
the agent of the Court and came on to be heard on the Bill
answer and argument of counsel. On consideration whereof the
Court doth adjudge order, and decree, that James D. Mapenbury
Jordan Edwards and James Scott, or any two of them do after
advertising the time and place of sale for ten days,
sell at public sale to the highest bidder, on a credit of
twelve months, reserving fifteen dollars in cash to pay the
expenses of this suit, the land and appurtenances whereof
Jordan Joyner died seized situated in the County of South-
ampton, that they take of the purchased bond with good
security in such sum as to apize two seventeenths of
the proceeds of sale to Arthur Whithead, the same to
Howell and wife, the same to Edward and wife, the
same to Liza Joyner, the same to Harriet Joyner, and
the same to Harrison Joyner, they being brothers and
sisters of Jordan Joyner, of the whole blood, that they apize one
seventeenth each to Eli, Lemuel and Eliza Joyner, they
being brothers and sisters of the half blood, and how they
shall have executed this decree report to the Court in
order to a final decree -

Southampton November Court 1835.

Arthur Whitehead & Matilda his wife, March Howell and Emma
his wife, Everett Edwards & Catharine his wife, Jesse Joyner, Hansel
Joyner, Eli Joyner. Samuel Joyner and Eliza Joyner are intent by the
Deft. Jesse.
that Eli Joyner her next friend
against

Harrison Joyner.

Deft.

In Chancery

This cause was this day docketed by consent of parties with the assent of the
Court and came on to be heard on the bill, answer and argument of Counsel. On consid-
eration whereof the Court doth adjudge, order and decree that James D. Hapenberg Jordan
Edwards and James Scott, or any two of them do after advertising the time and
place of sale for ten days, sell at public sale to the highest bidder, on a credit of
twelve months, reserving fifteen dollars in cash to pay the expenses of this suit, the
land and appurtenances whereof Jordan Joyner died seized, situate in the County of
Southampton, that they take of the purchasers bonds with good security in such
sums as to assign two seventenths of the proceeds of sale to Arthur Whitehead, the same
to Howell & wife, the same to Edwards wife, the same to Jesse Joyner, the same to
Hansel Joyner and the same to Harrison Joyner, they being brothers and sisters of Jordan
Joyner, of the whole blood, - that they assign one seventeenth each to Eli, Samuel and
Eliza Joyner, they being brothers and sisters of the half blood and how they shall have
executed this decree report to the Court in order to a final decree -

Attest Jesse L. R. Edwards Clerk

In Execution of the within decree the undersigned commissioners made sale of the tract of land therein mentioned at public auction when the same was purchased by Anthony M Howel at the price of two hundred dollars \$ 200.00

Cash retained and herewith paid over to the court \$ 17.00 *
 Commissions on the amount of sales 10.00 . . . 27.00
 \$ 173.00

To this the Commissioners have at the request of some of the parties though no part of their duty super added a rent account as rendered by Anthony M Howel and herewith returned ~~amounting~~ including interest to 97.26

The Commissioners do not intend to pass any opinion upon the correctness of the rent account - but for the years accounted for they find it amounts to nearly ten per cent ~~of the amount~~ on the amt^y of the sale. For this amount of \$ 264.26 notes have been taken ^{in the proportion} ~~in the proportion~~ directed by the decree and are herewith returned to court - all of which is respectfully submitted.

James D. Mapintony

Jordan Edwards

* An error was committed in drawing down the aggregate amt^y of sale and rent of two dollars which was not discovered until after the bond were taken - it was therefore added to the cash.

Edward. and James Scott.

Jordan Joyner. intestate as
to real estate -
heirs.

- 1 Harrison Joyner, brother.
- 2 Matilda wife of Arthur Wheelhead. S.
- 3 Emma of March Howell - S.
- 4 Catherine wife of Everett Edw. S.
- 5 Sipe Joyner - brother.
- 6 Samuel Joyner - "
- Eliza Joyner. $\frac{1}{2}$ brother.
- 7 Lem. Joyner $\frac{1}{2}$ do
- 8 Eliza Joyner $\frac{1}{2}$ sister

to sell a tract of land,
containing about 90 acres.
Comm. in
James D. Mapenbury, Jordan.

Not to be delivered

On or before the ninth day of January 1837 we Anthony
M Howel and Gray Edwards promise to pay to James
D Massenburg James Scott and Jordan Edwards com-
missioners appointed by the County Court of Southampton to
make sale of the land of Jordan Jorner dec'd the sum
of fifteen dollars fifty four Cents and $\frac{7}{100}$ being one seven-
tenths of the amount of sales on sixty four dollars $\frac{26}{100}$ rent
added thirds for the payment whereof we and each of us
bind ourselves and our joint and several heirs as witnesses our hands
and seals this 9th day of January 1836

James D. Massenburg
James Scott
Jordan Edwards

A. M. Howel
Gray Edwards

Mr C R Edwards you will deliver All Hamea
abond that is in the office the amount ^{one} twenty ~~two~~
dollars and eight cents which he has satisfied me for
and this shall be your receipt for the said sum
April the 26 - 1836

Errett Edwards

1837 March 20th Received of Lilliston R Edwards & Clerk of the County Court of
Southampton the sum of ten dollars for my fee in the case of Whitehead
& al. against Joyner for the sale of the land of Jordan Joyner dec^d.

J. G. Mason

Whithead &

& Papers

Joyner

1837 March

An Account of rents received by Anthony M Howel for the tract of land
belonging to the estate of Jordan Soyner as rendered in by said Howel to the
Commissioner appointed to make sale of said land.

<u>1830</u>	For the year 1830	\$ 12.00
	6 Years interest being calculated to 9 Jan'y 1837 when the bond are made payable	4.32
<u>1831</u>	For the year 1831. 7 barrels and $\frac{3}{5}$ of corn at 15/19.00 Interest for 5 Years	5.70
<u>1832</u>	For the Year 1832. 8 $\frac{1}{2}$ bbls of corn at 15/ Interest for 4 Years	20.50 4.92
<u>1833</u>	For the Year 1833. 9 bbls of corn at 12/ Interest for 3 Years	18.00 3.22
	1000 lbs of fodder at 3/	6.00
	Interest on the fodder calculated each year from the time when it was received	1.44
	By two accounts paid	\$ 95.10 3.94
		\$ 98.26

To Amt of Sale of the land sold 100.00

M^r S. R. Edmonds please to deliver A. M. Hawes
abond for me the amount \$31.8 cents which is my
right in the sale of Jordan joined bond and this
shall be your receipt in full for the said bond

May the
6-1837

Sarah J. Jener

Robert D. Marshall

Eliza Jaynes
order

M^r R Edwards will please to deliver
My bond to Am. Sewell for it is satisfied
by him to me and this shall be your receipt
for the same Febry the 21-1840

Eliad L. Joines

Joshua Crompter

Received March 20/1837 of the Clerk of Southampton County a bond returned by the Commissioners who acted under a decree of the said Court in making sale of the land of Jordan Jagers dec'd a bond executed by Anthony W Howell & Gray Edwards for the sum of Thirty one dollars sixteen cents due 9th January 1837 - also received in cash the sum of ~~twelve~~^{twenty three} cents being two seventeenthths of the surplus of money paid into Court by the Comrs. after defraying the costs of the suit & the same being my proportion of the sale of said land in right of my wife -

Teste
J. A. Belk

As Witness W. H. Edwards

Received April 27/1837 of the Clerk of Southampton County a bond returned by the Comrs. who acted under a decree of said Court in making sale of the land of Jordan Jagers dec'd which bond was executed by Anthony W Howell & Gray Edwards for the sum of \$31. ^{& 16/100 of a cent.} due 9th January 1837 also received in cash the sum of 23 cents being 2/7^{ths} of the surplus of money paid into Court by the Comrs. after defraying the costs of the suit & the same being my proportion of the sale of said land in right of my wife - Also received a bond for the same amount to wit \$31.08 16/100 etc. due at the same time - being the amount to which Everett Edwards in right of his wife is entitled - and the sum of 23 cents in cash -

A. M. Howell

1837 May 6. Received of the Clerk Southampton County a bond
returned by the Comrs. who acted under a decree for the sale of Jordan
Joyner's land, amounting to \$31.08/100 & also in cash the sum of
23 cents being in full of ^{the} ~~my~~ ^{Sarah Joyner} proportion of the sales of Jordan
Joyner dec'd land -

A. M. Howell

Received Jan'y 31/1840 of the Clerk of Southampton County, a bond
returned by the Commissioners who acted under a decree for the sale of
Jordan Joyner's land, for the sum of thirty one dollars & 8 1/4/100
being the proportion to which I am entitled of the sales of said land &
twenty three cents my proportion of the cash paid into court by the Comrs.

Harrison Joyner

Received March 4/1840 of the Clerk a bond for 15.54 3/4 Cents
and, being the one returned by the Comrs. for the proportion of Eliza
Joyner of sale of Jordan Joyner's land & 23 cents each - as per
order.

A. M. Howell

Received October 18/1843 of the Clerk of Southampton County a bond against
A. M. Howell & Gray Edwards for \$15.54 3/4 Cents being the proportion
of Samuel Joyner of the sales of Jordan Joyner's land & 23 cents in cash.

Harrison Joyner for
Attorney for Samuel Joyner

Received Dec 19 1853 of the Clerk of Southampton County a
bond against A. M. Howell & Gray Edwards for the sum of \$31.8 1/4
Cents returned by the Comrs. who made sale of the land of Jordan Joyner
dec'd & 23 cents each being the proportion to which Jesse Joyner is entitled
of said sales.

also received a bond for the same amount and against the same parties
and the same amount in cash being the proportion to which Daniel
Joyner is entitled of the said sales.

Benjamin Joyner
Attorney in fact for Jesse &
Daniel Joyner

Georgia } Know all men by these presents that I
Brouse County } Hansel Joiner of the state and county aforesaid
for divers good causes and considerations me
thereunto moving, have made ordained and appointed, and by
these presents do make ordain and appoint Samuel Joiner of
said state and county my true and lawful Attorney, for
me and in my name, and for my own proper use and benefit
to proceed to the County of ~~Rockingham~~^{Southampton} in the state of
Virginia, and to receive my distributive share of the estate
of Jordan Joiner formerly of the state of Virginia and
county of Southampton now deceased and which said distributive
share is now in the hands of Clerk of the

Court of ~~Rockingham~~^{Southampton} County Virginia state of
Virginia. And that the said Samuel Joiner is to have use &
take all lawful means and ways in my name or otherwise
that may be found necessary or proper in the execution of this
power of Attorney; to execute all such deeds, or instruments of
writing whatever in my name as may be necessary and proper
for the purposes aforesaid, and do all other lawful acts and
the things whatsoever concerning the premises as fully in
every respect as I myself might or could do, were I personally
present at the doing thereof. Ratifying and confirming by
these presents, allowing whatsoever my said Attorney shall in
my name lawfully do or cause to be done in and about the
premises by virtue of these presents. In witness whereof I have
hereto set my hand and affixed my seal this Nov^r 24th 1853

Signed sealed & delivered
in presence of
Stephen J. Thompson

Hansel Joiner

State of Georgia }
County of Troup } I David B. Turner Clerk
of the Inferior Court for
said County do certify that
Seaborn J. Thompson whose genuine Official
Signature appears in attestation of the foregoing
Power of Attorney is an acting Justice
of the Peace in and for said County of Troup
duly sworn and Commissioned, that his Official
acts are entitled to full faith and Credit and that
is in due form

Witness my Official Signature
and Seal this 21st day of
November A.D. 1853
David B. Turner C. J. C.

State of Georgia }
County of Troup } I Thomas E. Gorman One of
the Justices of the Inferior Court
within and for said County of Troup
do certify that David B. Turner whose genuine Official
Signature and Seal appears to the above Certifi-
cate is Clerk of said Inferior Court duly sworn and
Commissioned, that his Official acts are entitled
to full faith and Credit and that the same is in
due form

Witness my hand and Official Signature this the
21st day of November A.D. 1853
~~Thomas E. Gorman~~ J. H. Thomas E. Gorman, J. C.

Know all men by these presents that
I Jesse Joiner of the County of Dallas State
of Alabama, being entitled to a distribu-
tion share of the proceeds of the sale
of Lands lying, situate & being in the
County of Southampton State of Virginia,
belonging to the Estate of Jordan Joiner
or formerly of said State and County, but
more recently of the State of Mississippi,
do hereby make ordain & constitute and
appoint my Matthew Lemuel Joiner of the
County of Travis State of Georgia my true
and lawful Attorney, for me and in my
name, and for my own proper use and benefit,
to ask, demand, sue for, receive & receive,
of and from the Clerk of the Superior or
County Court for the County of Southamp-
ton State of Virginia, or of & from any other
person or persons having the custody or con-
trol of the proceeds of the sale of said Land, my
full distribution share of the said Proceeds:
And upon receipt thereof or payment to him,
my said Attorney a general release or
discharge for the same to make, execute
and deliver. My said Attorney, if necessary
to carry out my intention in the premises
is hereby authorized & empowered, one or more
Attorneys under him to appoint with full
authority to carry out the premises. Hereby
ratifying & confirming all & whatsoever my
said Attorney shall lawfully do in the prem-
ises. In Witness whereof I have hereto subscribed
my name & affixed my Seal this 18th day of
November A.D. 1853.

Jesse Joiner

Grat

The State of Alabama }
Dallas County ss. }

Personally came before me, Tho. M. Strong,
a Justice of the Peace in and for said County,
Lepe Somer, who acknowledged that he signed
and sealed the foregoing Power of Attorney on
the day the same bears date, for the purposes
therein expressed.

Given under my hand and
seal this the 2nd day of Nov. A.D. 1853.

Thos. M. Strong J.P. (Seal)

The State of Alabama }

Dallas County } I Thomas G. Pinner Judge
of the Probate Court of said County do hereby
Certify that John M. Strong whose name is signed
to the foregoing Certificate is now and was on the 21st
day of November A.D. 1853 an acting Justice of the
Peace in and for Dallas County Ala. duly elected
and sworn and that all his official
acts as such Justice are entitled to full faith and
credit.

Given under my hand and
seal of office at office in
Columbia this the 24th day of
November A.D. 1853

Thos. G. Pinner
Judge of Probate

Fee one dollar paid

