

1873-022 SOUTHAMPTON COUNTY
CHANCERY PAPERS

JOYNER & ALKINS

VS. BRIGGS et al

7/1873

other surnames: Jenkins,
Lawrence, Doles, Bradshaw

Joyner as defendant

" 3 Bill
initiation

Briggs appeals

Injunction refused

~~W. W. Graham Judge~~

~~March Term 1872~~

1871 Mar. Bill - Joyner refused order
suspended 8th

1873 July. Dismissed

Soyun v. Jenkins

Bill
as

Dols v. als

Any injunction asked for in this case by the
plaintiffs is refused but the plaintiffs stating that
they think themselves aggrieved by the ^{above order} ~~or refusal~~
asked a writ of certiorari to the same, for
removal to the case of Dols v. Soyun and that they
desire to appeal thence to the circuit court
of this county and intend to apply for an
appeal thence pursuant to the provisions of
the act passed the 23^d of June 1870 the court
doth affirm sixty days as the time within
which the said plaintiffs may apply for such
appeal and doth order that the execution of the
decree of the February term 1871 in the case
of Dols vs Soyun be suspended for that time
provided the said Charles M. Soyun and Wm J. C.
Jenkins or some responsible person shall enter
into bond ^{with sufficient security} in the penalty of one thousand
dollars with a condition according to law
March Term 1871 J. W. Mcgarhart Judge

To the Honorable Joseph W. Nugent judge of
the county court of Southampton in chancery sitting

Humbly complaining your orator Charles M
Joyner and Mr J C Jenkins shew unto your Honor
that Charles M Joyner being seized in fee simple
of a tract of land lying in Southampton County
which he has owned since 1858 containing some
340 acres more or less in December 1869 sold unto
Mr J C Jenkins some 200 acres of the same as
will appear by a certified copy of the said deed
of record in the clerk's office of Southampton
which is herewith filed and prayed to be returned as
a part of this bill marked A That the said Mr
J C Jenkins gave for the said land \$1000 That he
has already ^{paid} some \$370 of the purchase money and
that Charles M Joyner holds his bond for the
balance of the purchase money, That sometime
since there was an execution issued against
Charles M Joyner in favor of R. M. Dole and that
he filed an inventory with the sheriff of Southampton
under the Homestead ^{law} in which among other
things after the property had been appraised he
claimed the 340 acres residue of the land after
selling 200 acres to Mr J C Jenkins all of which
will more fully appear by certified copies of the
inventory, judge Nugent's order the return
of minimum and Charles M Joyner's select list

hundredth file marked B and prayed to be taken as a part of this bill and that the question as to the Homestead is now pending and matters as to this very land

Your Orator further shews that R. M. Dols obtained a judgment against Charles M. Soyars at the June term 1868 of the county court of Southampton for \$300 with interest from the 7th of January 1861 and costs and that this judgment was not docketed until May 17th 1870

Your orator state further that at the September rules 1870 R. M. Dols instituted a suit in chancery in the county court of Southampton against Charles M. Soyars to subject the aforesaid 340 acres of land to his judgment lien and praying that it might be sold for that purpose and though Mr H Jenkins had purchased 200 acres of the same and was in possession he was not made a party to the suit under an order for that purpose the commissioner made a report in the said case showing three judgments against the said Chas M Soyars one in favor of Ludlow Lawrence for \$211.07^{cts} one in favor of R. M. Dols for \$807.72^{cts} and one in favor of D. L. Dols administrator of Mordecai Bradshaw for \$10.21^{cts}, and on the said report the county court at the February term 1871 decreed that Mr W Briggs Sheriff of Southampton should after thirty days sell the said 340 acres of land for sufficient cash

to pay expenses of the sale and the balance of the purchase money on a credit of one, two, and three years equal annual installments, all of which will more fully appear by entitled copies of the said bill, commissioner's report and decree of the February term 1871 hundredth file marked C and prayed to be taken as part of this bill

That Mr W Briggs sheriff as aforesaid in pursuance of the said decree has advertised to sell the said land on the 22nd of March 1871 all of which is contrary to law and equity as your orator humbly conceives for ~~whereas~~ Mr H Jenkins having purchased the said 200 acres of land on the 23rd of December 1869 from Charles M Soyars without notice of the said R. M. Dols' judgment and the said R. M. Dols not having docketed his judgment within twelve months after its rendition ^{or thirty days before the conveyance} his purchase is valid and binding, and he holds the said 200 acres of land clear of the said R. M. Dols judgment lien, and your orator Charles M Soyars having already taken the proper steps before the court to assert his claim to the 340 acres of land incident of the said 340 acres as a homestead he being both a household and head of a family it becomes necessary to file this ~~explanatory~~ bill to protect your orator

For further consideration whereof and inasmuch

as your orators are without relief at law and only entitled to relief in a court of equity where such matters are peculiarly cognizable. They therefore pray that Wm H Briggs sheriff of Southampton, Leedlow Lawrence, Robert M. Dols and D. L. Dols and L. M. Bradshaw died may be made parties defendant to this bill and that the court would compel them to full and perfect answer made to the allegations therein contained as if they had been themselves personally and specially interrogated, that the court would enjoin Wm H Briggs sheriff of Southampton from selling the said 370 acres of land and that the court would set aside the 340 acres of land to Charles M. Soyars as a Trustee for which he had taken the initiatory steps in being a homestead and head of a family and that the said R. M. Dols perpetually enjoined from selling the 300 acres of land purchased from Charles M. Soyars by Wm H. Perkins or in any way disturbing his title thereto, And that the court would grant such other and general relief the premises considered as equity may dictate and the nature of them can say again and as in duty bound your orators will so pray in
Shamrock p. 9.

Southampton County to wit

This day Charles M. Soyars and Wm H Perkins personally appeared before me a justice of the peace for the said county and made oath that the facts set forth in the above bill are true to the best of their knowledge and belief given under my hand
This 20th day of March 1871 J. C. Rowe J. P.

Joyner & Jenkins

& } Sum's Chy

Dols & Co

1871 May Rules.

Executed on
Sudlow Lawrence
E. J. Chapman & Co

J. W. Wright

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ~~Southampton~~ County, Greeting:

We command you to summon *Wm W Briggs Sheriff of Southampton, Judson Lawrence*
Robert M Doles & D L Doles adm of M Bradshaw

if *they* be found within your bailiwick, to appear at the Clerk's Office of our *County*
Court of Southampton County, at the Rules to be holden for the said Court, on the first
Monday in *May next to answer a bill in Chancery exhibited against them in our*
Said Court by Charles M. Jager & Wm H. Jenkins

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the
Courthouse, this *3^d* day of *April* A. D., 187*7*, in the *95* year of
the Commonwealth.

Oswin White Clk

Joyner & Jenkins

to } Sams. Chy

Doles &

1871 May Rules

Executed on all
parties except
Guelow Lawrences
who is not a resident
of my County
W W Driggs shff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you to summon *Wm M Briggs Sheriff of Southampton, Ludlow Lawrence, Robert M Ddes & D L Ddes admors of M Bradshaw decd*

if *they* be found within your bailiwick, to appear at the Clerk's Office of our *County* Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *May next* to answer a bill in Chancery exhibited against them in our said Court by *Charles M Soyner & Wm H Jenkins*

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Courthouse, this *3^d* day of *April* A. D., 187¹, in the *95th* year of the Commonwealth.

Oswin White

Joyner & Wife
to } Debt

Jenkins

This Deed made the 23^d day of December in the year 1869 between Charles M Joyner and Martha A Joyner his wife of the first part and William A Jenkins of the second part, all of the County of Southampton and State of Virginia Witnesses; that in the consideration of ^{the sum of} One thousand dollars in hand paid or secured to be paid unto the said Charles M Joyner by the said William Jenkins, the said Charles M Joyner and Martha A Joyner his wife doth grant unto the said William A Jenkins, all their right, title and interest in and to a certain tract or parcel of land containing by estimation two hundred acres (200) be the same more or less, it being a portion of the Willis Eley's tract of land and bounded as follows. Commencing on the road on James G Jones's line thence along the said line until it strikes a deep branch thence along said branch to James T Bordens line thence along James T Bordens line until it strikes Jesse B Johnsons line thence along said line to a white oak at Tuckerswamp Church on Richard S Boylens line thence along said line to the Broad Water road and down said road to the beginning. The title to said land we warrant and forever defend. Given under our hands and Seals this the day and date above ~~written~~ mentioned.

Charles M Joyner (Seal)
Martha A. C. Joyner (Seal)

State of Virginia, Southampton County, to wit.

We William H Bradshaw and Willis Bradshaw Justices of the Peace for the County and State aforesaid, do certify that Martha A Joyner the wife of Charles M Joyner whose names are signed to the writings above bearing date on the 23^d day of December 1869, personally appeared before us in the County aforesaid, and being examined by us privately and apart from her husband and having the writing aforesaid fully explained to her she the said Martha A Joyner acknowledged the said writing to be her act and declared that she had willingly executed the same and does not wish to retract it. Given under our hands this 23^d day of Dec. 1869.

Wm H. Bradshaw J.P.
Willis Bradshaw J.P.

Southampton County to wit:

I Wm H Bradshaw Justice of the Peace for the County aforesaid and State of Virginia do certify that Charles M Joyner whose name is signed to the writing above bearing date on the 23^d day of December 1869 acknowledge the same before me in my County aforesaid Given under my hand and Seal this 23^d day of December 1869.

Wm H Bradshaw JP.

Southampton County In the Clerks Office February 21st 1870

This deed of bargain & Sale from Charles M Joyner and Wife to William H Jenkins was this day received and together with the certificates thereto annexed of the acknowledgment of the said Charles M Joyner before a Justice of the Peace and of the Oath examination and acknowledgment of the Wife before two Justices of the Peace admitted to record - A Stamp of the Int: Rev. of the United States to the amount of One dollar being affixed thereto and duly Cancelled

Teste

Sam R Tyler DC

A Copy-

Teste, O White CC

Dales

2 Copies

Joyner

To the Judge of the County Court of Southampton - In Chancery -
Humbly complaining sheweth unto your Honor your Orator Robert M Doles that at
the June Term 1868 of the County Court of Southampton he obtained a judgment
against Charles M Joyner for the sum of \$500. with legal interest thereon from the
7 day of January 1864 and \$6.76 costs which judgment was docketed on 17
January 1870 and still remains unpaid and entirely unsatisfied. a copy is filed as
part of this bill. Your orator further states that the said Charles Joyner is
Seized and possessed of a tract of land in the County of Southampton containing
568 acres on which he resides on which your Orators judgment is a lien & which
lien can only be enforced in a Court

That the rents and profits of the said real estate will not satisfy the said judgment
within five years and may therefore be sold to pay & satisfy your orators demand -
In tender consideration of all which and in as much as your orator is without adequate
relief in the premises except in a Court of Equity - To the end therefore that justice
may be done he prays your Honor to make Charles M Joyner a defendant to this
bill & Compel him to answer the same fully & unreservedly - that an account of your
Orators judgment and all others liens if any on Joyners land may be taken and
their priorities - that a decree may be rendered for the sale of the real estate of
which C. M. Joyner is seized & the proceeds applied to your Orators demand.
and grant such other & general relief in the premises, as the case may require & to
equity may seem meet May it please the Court &c

Chambliss P. g

Exhibit.

In Southampton County Court June 15 1868
Robert M Doles

Plff

against
Charles M Joyner Surviving obligor of E. L. Eley & David A Joyner Deft

} In Debt

The judgment obtained at the Rules not having been set aside and the plaintiff
being not entitled to a final judgment it is therefore considered that the plaintiff recovers
against the Defendant five hundred dollars the debt in the declaration mentioned
with legal interest thereon from 7 January 1864 till and his costs by him about
his suit

in this behalf expended
Costs \$6.76.

Judgment Docketed January 17. 1870 }
A.C. Spuy- Fiske, Osborn White Lob

An account of all judgments against Charles M. Joyner as docketed
in the Clerks Office of Southampton County.

Docketed	June 1 st 1868	Gudlow Lawrence Judgment for	\$ 125 00	
		Int. from 1 st June 1860 to 1 st Feby 1871	80 00	
		Costs	6 07	
				\$ 211 07

Docketed	Jan 17 1870	Robert M. Doles. Judgment for	500 00	
		Int. from 1 st Jan 1861 to 1 st Feby 1871	301 16	
		Costs	6 76	
				807 92

Docketed	May 21 st 1870	Wm A. Harris adm Elizabeth Harris for D. L. Doles	30 00	
		admor of Mordican Bradshaw. Judgment for	23 55	
		Int. from 1 st Jan 1858 to 1 st Feby 1871	6 70	
		Costs		
		Total amt. Judgt:		60 25
				\$ 1079 24

An account of the absolute and Annual value of one tract
of land belonging to Charles M. Joyner

	Absolute value	Annual Value.
One tract of land 560 Acres lying on Black Water	\$ 1680 00	\$ 75 00

Respectfully Submitted

James R. Tyler Com

Commissioners Office
Jerusalem Jan 25 1871

To the County Court of Southampton County.

Pursuant to a decree of the County Court of Southampton County rendered at the October Term 1870 in a Suit in Chancery depending in the said Court between Robert M Dole and Charles M Joyner, the undersigned one of the Commissioners of the said Court to whom was referred for settlement by said decree the following accounts - That a Commissioner of this Court take an account of the Plaintiffs judgment and of all other outstanding judgments against Charles M Joyner distinguishing their respective priorities. Also an account of the absolute and annual value of the real estate of Charles M Joyner ascertaining whether the rents and profits thereof will pay and satisfy the said judgments here in five years - reports to the Court that on the 26 day of October last he issued notices against the parties aforesaid requiring them to attend the settlement of said accounts before him at his said Office on the 21st day of December which were returned to your Commissioners duly executed that the parties aforesaid appeared before the Commissioners in obedience to said notices and he thereupon stated & settled the foregoing accounts, and finds the amount due by said Charles M Joyner to be \$1079.24 Cents including interest and Costs up to Feby 1st 1871 The Commissioner submits pertinent reports specially to the Court, that in his opinion the rents & profits of said land, will not be sufficient to pay the judgments within five years. The Commissioner further reports to the Court that after the completion of said accounts, he retained the same in his Office ten days for the examination of the parties, which with the decree & notices aforesaid are herewith returned

Given under my hands as Commissioner aforesaid the day and year first aforesaid

James R Tyler Com

Coms fee \$6.00 }
Chg to plff. }

At a Court held for the County of Southampton on Monday the 20th day of February 1871.
Robert M Dole

against
Charles M Joyner.

Plff } In Chancery
Def } }

This day this cause came on to be further heard on the papers formerly read and on the report of Commissioner Tyler made under the order of this Court rendered at Oct. Term 1870, and was argued by Counsel. On consideration whereof, the Court confirming said report, to which no exceptions have been filed, doth adjudge, order and decree that the Sheriff of this County after giving thirty days previous notice public notice of the time and place of sale, sell to the highest bidder on the premises, the land in the bill and proceedings mentioned of which Charles M Joyner is seized in Southampton County, containing 560 acres, on a credit of one, two and three years equal annual installments (except cash sufficient to pay the expenses of sale and the costs of this suit) taking bond with good security for the deferred payments carrying interest from the date of sale and retaining the title to the land until the purchase money is paid. The Commissioner will return the bonds with his report to Court.

Attest

Teste, O White Clk

Joyner H^o

to } Suspension bond

Briggs H^o

Know all men by these Presents that we Charles M Joyner & W^m H. Jenkins Alfred T. Stephenson & Mills E. Stephenson are held and firmly bound unto Robert M Dole in the just and full sum of one thousand dollars to the payment whereof will and truly to be made we bind ourselves our heirs executors & administrators jointly and severally firmly by these Presents - Sealed with our Seals and dated this 23rd day of March 1871

The Condition of the above obligation is such that whereas at a County Court for the County of Southampton held on the 21st day of March 1871. the above bound Charles M Joyner & W^m H. Jenkins filed their bill making W^m W. Briggs Sheriff of Southampton, Ludlow Lawrence, Robert M Dole & D. L. Dole admors. of M. Bradshaw dec^d Defendants therefor praying an injunction enjoining W^m W. Briggs Sheriff of Southampton from proceeding to execute the decree of this Court made on the 20th day of February 1871 in a suit in Chancery then pending between Robert M Dole Plaintiff against Charles M Joyner Defendant - which injunction the Court refused to award - and the said Charles M Joyner & W^m H. Jenkins thinking themselves aggrieved by the judgment or decree of the said Court refusing the injunction, and desiring to present a petition for an appeal therefrom the Court suspended the execution of the decree of the 20th of February 1871 above referred to for the term of sixty days Now if the said Charles M Joyner & W^m H. Jenkins shall pay all such damages as any person may sustain by reason of the said suspension in case a supersedeas to such decree or order should not be allowed and be effectual within the time specified then the above obligation to be void or else to remain in full force and virtue -

Charles M. Joyner (Seal)
William H. Jenkins (Seal)
Alfred T. Stephenson (Seal)
Mills E. Stephenson (Seal)

Southampton County Court Clerk's Office March 25 1871

The within bond was acknowledged by the obligors thereto before me in my Office
and A. J. Stephenson & Mills & Stephen the securities
made oath that their joint estates independent of their indebtedness & all exemptions by
law including the homestead exemption are worth the penalty of the said bond as they
verily believe.

Subscribed & sworn to
before me

3

James R. Tyler, J.C.