

1874-31

Southampton County Chancery

Joyner, William T. vs Joyner, Wm. B.

Estate settlement

Joyner, Mary (wife)

Briggs, Wm. W.
(admin.)

Joyner, Susan I.

in
app. { Joyner, Wm. H.
Joyner, Rozetta
Joyner, Georgiana

109

Joyner & Wife &
v { Papers.

Joyner adm

163

Soymer & wife
as { Bill
" " exhibits
Soymer's admn. v. als

1873 October Rules

To the Honorable George Blow judge of the
Circuit court of Southampton County in
Chancery sitting

Humbly complaining your Orators Wm J
Joyner and Mary Sam Joyner his wife who before
marriage was Joyner shew unto your Honor
That in the year 1868 Wm B Joyner of
Southampton County departed this life having
first duly made his last will and testament
which was admitted to probate in the county
court of Southampton and a copy of which
is herewith filed marked A and prayed to
be taken as a part of this bill he left his
widow Sarah and seven children to wit
Jason J Joyner, Wm G B Joyner a minor, Martha
Elizabeth, since dead unmarried childless and
intestate Cornelia Frances since dead
unmarried, childless and intestate your Orators
Mary Sam, Rozilla and Georgianna Joyner
his devisees and legates,

By his will Wm B Joyner gave all his
estate to his widow Sarah Joyner so long as
she remains his widow, and further
directed that at the death or marriage of his
widow his land to be divided between his
sons Jason J Joyner and Wm G B Joyner but
wished it to be valued by three men and
for them to say what part they shall pay
to his daughters, Martha E, Cornelia F,
Georgianna, Mary S, and Rozilla Joyner
and also directed all his personal estate
to be sold and equally divided among his

seven children

Your Orator states and charges further that in pursuance of the directions of the will the widow Sarah Soyne qualified as executrix of her husband Mr B Soyne took possession of the whole real and personal and held until her death in the year 1871. At her death the estate was committed to Mr W Briggs sheriff of Southampton as administrator de bonis non with the will annexed for further administration as will appear by a copy of the order of the court herewith filed marked B and prayed to be taken as a part of this bill, that Mr W Briggs has settled an account of his transactions as such administrator and there was a balance in his hands due the estate of the 1st of July 1872 of \$24.71cts as will more fully appear by a certified copy of the said account herewith filed marked C and prayed to be taken as a part of this bill.

Your Orator states further that Martha & Ann Cornelia F Soyne being dies unmaried childless and intestate their share moneys in the estate and under the will it will be divided among the five surviving children as though they had never lived as they owed no debts.

Your Orator states and charges and avers further that at the January county court of Southampton there was an order entered appointing D. L. Dolis, R. M. Stephenson and

Wm Johnson appraisers to appraise all the real estate wherof Mr B Soyne dies seized and possessed and on the 8th of February 1873 they make their report which was confirmed valuing the said real estate at \$800 All of which will more fully appear by ~~the~~ ^{copies} of the said order and report herewith filed marked D and prayed to be taken as a part of this bill.

Your Orator states further that the said commissioners wholly failed to say what the sons should pay to the daughters perhaps owing to the difficulties of the case or being unwilling to construe the will.

Your Orator states further and charges and avers that the two sons Jason & Henry and Mr H Soyne have taken possession of all the real estate of their father since their mother's death without paying them one cent or making any arrangement so to do which is against equity and good conscience and clearly against the express provisions of the will.

Your Orator states further and charges that all the facts being before the court the report of the commissioners showing the amount of personally due Mr B Soyne's estate and the report of the appraisers valuing the real estate the court can now make a full and final disposition of the whole estate by dividing it or selling for division or directing the sons to pay so

much money to the daughters as to the
court may see right

Without presuming to dictate to the court
it seems to your orators that a fair
settlement of it would be to direct the sons
to pay to the daughters their fifth of
the value of the land as equality is
equity that they think their father
clearly intended that the sons should have
the land upon ^{paying} to the daughters their
share of it in money and as this is
a charge upon the real estate they
ask that if the sons do not pay
whatsoever sum may be decreed by the
court then that the court would sell
it for a division

In tender consideration of the above and
inasmuch as your orators are without remedy
at law and only entitled to relief in a court of
equity where such matters are peculiarly cognizable
they therefore pray that Mr W Briggs shipp and
as such administrator de bonis non with the will
annexed of Mr B Joyner and, Jason S Joyner
Rozilla Joyner, and Mr H Joyner and Georgiana
Joyner the two last infants by some fit and
proper person their guardian ad litem appointed
for that purpose may be made parties defendant
to this bill and that the court would compel
them as full and perfect answer make to
the allegations therein contained as if they had
been thereto more fully and specially
interrogated and that the court would direct
Mr W Briggs to pay the sum of money in

his hands according to the rights of the
parties and that the court would by its decree
direct that mly. Jason S Joyner and Mr
H Joyner shall in some time named by
the court pay to your Orators and Rozilla
and Georgiana Joyner each a sum to
be named by the court thus that the court
would direct all the real estate of the
said Mr B Joyner to be sold and the money
arising therefrom be divided as the court
may direct, that the court would direct
all accounts to be taken that are necessary
and grant such other and general relief the
premises considered as equity may dictate
and the nature of this case may require
and as in duty bound your orators will ever
pray

Primer & Shanas p. y.

Joyner is wife

is 3

Joyner's letter was

Answer of infant 11.26

is grandmother Joyner

by her own letter

1873 October Rules.

Joyner helps
v { Ex: with Bill

Joyner's no



Southampton County January Term 1873
Ordered that D. L. Dole, R. M. Stephenson and Wm. Johnson, being first
duly sworn for the purpose do appraise all the real estate of Wm. B. Joyner decd,
and make report thereof to Court.

Attest
J. R. Edwards clk

To the Honl. Court of Southampton!

We the appraisers appointed at
your January term 1873, to appraise the real Estate of the late W. B. Joy-
ner, respectfully report (after being duly sworn) that we personally
examined and viewed the said Estate, and appraised the same at Eight
Hundred Dollars (\$800-) all of which is respectfully submitted.

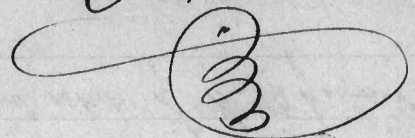
Feb. 8th 1873,

Danarius L. Dole
R. M. Stephenson
William Johnson


At a Court held for the County of Southampton, on the 17th day of February
1873, The Commissioners appointed to appraise the real Estate of which Wm. B.
Joyner died Seized and possessed, this day make their Report, which is
Ordered to be recorded.

Attest,

J. R. Edwards clk



Attest

Teste

J. R. Edwards clk

Joyner Illife
v } Ex. with bill
Joyner's ad 8p

A 113

In the year of our Lord 1866.

I William B. Joyner of the County of Southampton and State of Virginia, Being of sound mind and memory, Do make this to be my last Will and Testament. I give unto my wife Sarah my land and all my ~~property~~ so long as she remains my widow, to raise my children or, but at her death or marriage, I wish for my land to be divided between my two sons, Isaac Spring, and William Hurny, but wish it valued by three men, and for the said three men to say what parts they shall pay to my five daughters Martha Elizabeth, Cordia Francis, Georgianna, Mary Jane, and Rozilla. I also wish all my personal property and chattel estate to be sold at the death or marriage of my beloved wife Sarah, and be equally divided between my seven children above named. - I also wish for my beloved wife Sarah to become administratrix and settle my estate and all my business without giving any security and and have no suit.

Witness

W. H. Joyner,
J. Whitfield.
William Johnson,

William B. Joyner ^{his} seal
mark

At a Court held for the County of Southampton on Monday the 17th day of February 1868, This last Will and Testament of William B. Joyner deceased was proved by the Oaths of J. Whitfield and William Johnson, two of the subscribing witnesses thereto and ordered to be recorded. And on the motion of Sarah Joyner the Executrix herein named who made oath and entered into and acknowledged a Bond in the penalty of one thousand dollars, Conditioned as the law directs, (the Will directing that no security should be required of her, and the Court requiring none) Certificate is granted her for obtaining a Probate of the said Will in due form.

Teste,
J. R. Edwards C. C.

Southampton County Court February Term 1871.

On the motion of Wm. B. Holmes, It is ordered that the Sheriff of
this County, take into his hands the estate of Wm. B. Jones decd. and administer
the same according to law.

Attest -
Jas. L. R. Edwards C. C.

Soyun is wife
as 3 Dec
Soyun Athas in

To be entered

Res. Blod.

Nov. 1873.

Joynes wife
vs 3 Decr
Joynes adm or

This day this cause came on to be heard on the plaintiffs bill taken for confessed as to Wm W Briggs sheriff and as such administrator with the will annexed of Wm B Joynes decd. Jason S. Joynes and Rozella Joynes the answer of the two infant defendants Wm H Joynes and Georgianna Joynes by their guardian ad litem appointed therefore and general replication thereto and was argued by counsel. On consideration whereof the court doth adjudge order and decree that Wm W Briggs pay to Wm S Joynes and Mary Jane his wife the sum of \$4.94cs to Jason S Joynes the sum of \$4.94cs, to Rozella Joynes the sum of \$4.94cs, to the lawful guardian of Wm H Joynes the sum of \$4.94cs and to Georgianna Joynes the sum of \$4.94cs. And the court doth further adjudge order and decree that unless Jason H Joynes and Wm H Joynes shall on or before the 10th day of February 1874 pay to Wm H Joynes and Mary Joynes his wife the sum of \$160 To Rozella Joynes the like sum of \$160 and to the lawful guardian of

Georgiana Joyner the like sum of \$140

Then Joseph B Prince who is hereby appointed special commissioner for that purpose shall after having given at least twenty days notice of the time and place of sale by public advertisement both at the Court house and in the immediate vicinity of the land proceed to sell at Savannah on some county court day at public auction to the highest bidder all the real estate whosoever Mrs B Joyner does sign and propose on the following terms to wit one half cash the balance on a credit of one and two years equal instalments taking from the purchaser bond with approved security carrying interest from the day of sale and ~~carrying interest from~~ ~~the day of sale~~ retaining the title until the further order of this court and return the said bonds to the court along with his report in order to a further decree.

But the said Joseph B Prince shall not proceed to act under this decree until he shall have executed in the clerks office of this court a bond in the penalty of one thousand dollars conditioned for a faithful performance of this decree and any other which may

be entered in this cause

Journal

with Report

Journal of the
Admiral

Oct 26. 1874.

Joyner's wife

¹² } Report of Comm. Price.

Joyner's Adm'r's

In this cause your Comm. submits the following report - That he did not sell the real estate in the proceedings mentioned, because Jason Joyner paid the amounts due the other heirs of Wm. B. Joyner dec'd, and there was no necessity of a sale.

The receipts for said payments are herewith filed. I would state that Rozelle Joyner died before the payments were made, intestate & unmarried & leaving no children - hence the only parties who had to be paid were Wm. J. Joyner & Mary his wife & Georganna Joyner. Nothing further is necessary to be done in this suit -
Oct 26. 1874

Respy submitted

To the Cir - Ct.

J. W. Price
Comm.

Joyner & wife

vs $\frac{1}{2}$ Pierce

Joyner's Adm't

Oct Term 1894

To be entered,

Geo R. Brown

Joyner & wife
vs 3 Decree.

Joyner's Answer.

This day this Cause came on to be further heard on the papers formerly read the report of Court Price filed during the term, with the receipt filed in same, and was argued by Counsel. On consideration whereof, the Court doth confirm said report, no exceptions being filed to the same; and nothing further appearing necessary to be done in this Cause, it is ordered to be removed from the docket.

Joyner's
to } Ex. with bill

Joyner's

to

The Estate of Wm. B. Squire deceased
In Account with H. H. Briggs, Shiff & Admr.

1872			Dr	Cr
Jan'y	10 th	By amount of sales personal property		80 96
		To paid Eli W. Davis, clerk	3 00	
		" " D. L. Dole, corn	4 25	
		" " Taxes 1868	4 18	
		" " Clerk's Tickets	3 25	
		" " Taxes 1869	9 95	
		" " Court Revenue, fee	1 00	
		" " C. F. Drury, clerk,	2 00	
		" " Taxes 1870	8 02	
		" " " 1871	10 06	
		" Commissions on \$80 96	4 04	
		" Commission's fee for this acc & copy, paid	5 00	
July	1 st	" Clerk's fee for recording this acc	1 50	
		" Balance due Est	24 71	
1872			\$80 96	\$80 96
July	1	By amt due Est with int thereon till paid		\$24 71

Respectfully Submitted
Jno. J. Kindred
Clerk of Accts.

Southampton County: In the Clerk's Office October 26th 1872.
This account of H. H. Briggs shiff & admr of Wm. B. Squire dec^d was returned & filed
for exceptions. And at a Court held for said County on the 20th day of January
1873, the said account having lain one month & upwards for exceptions and none
being filed it was examined, confirmed & ordered to be recorded.

Teste, L. R. Edwards Clk
A. C. J. Teste. L. R. Edwards Clk

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Joyner wife
or } Stat. Rules

Joyner adm *JP*

	657
	376
	<u>410</u>
blk paid	53
sh pd	250
	<u>16.00</u>
Saw pd	26.03

1873 Nov

blk.

sh

Saw.

#657
250

In Southampton Circuit Court

William T Joyner & Mary his wife
against

Wm W Biggs Sheriff & administrator with the will annexed of Wm B Joyner dec'd
Susan Joyner Wm H Joyner, Rozetta Joyner & Georgiana Joyner the last three
infants

1873 Sep. 20. Summons issued &

Oct R. Sum. Ret^d Executed. Bill filed. S. R. Edwards assigned
to ad litem to infant Dfts. Ans. of Infants. G. Rep. D. Nisi to adult
Dfts

Nov R. Bill taken for confessed as to adult Dfts. Cause set for hearing &

J. Decree for Sale &c

Printed

A. F. Cuth

Supers & Wifs
2. in
Supers adm & chancery

1873. Oct. 20th -

The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU to summon *Wm. P. Briggs Sheriff and as such administrator de*
bonis non with the will annexed of Wm. B. Joyner decd. Susan J. Joyner, Wm. Jb.
Joyner, Virgilio Joyner and Georgianna Joyner the last three Defendants—

if *they* be found within your bailiwick, to appear at the Clerk's Office of our Circuit
Court of Southampton county, at the Rules to be holden for the said Court on the first Monday in
October next to answer a bill in chancery exhibited against them
in our said Court by William J. Joyner and Mary J. his wife—

And have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the
Court-house, this *28th* day of *September* A. D. 1873, in the *98th*
year of the Commonwealth.

L. R. Edwards *cl*

Memorandum
for
Clerk

Major Edwards will please copy and file the following papers

- 1st Wm B Joyner will exhibit A
- 2nd Order committing Joyner est to
W W Briggs sheriff as admr B
- 3rd Wm W Briggs administration
account of W. B. Joyner est C
- 4th Orders appointing Dole, Stephens,
and Johnson appraisers of Joyner real
estate and their report D

Received Feb 16 1874 of Jason J Joyner
the just and full amount due me out
of the valuation of William B Joyner's
estate
Georgianna J Joyner

Received of W. J. Joyner, thirty
of R. Prince, thirty three dollars, in full
of for the said Joyner's wife for Joyner's
Admrs.

Wm B Chance
Counselor at Law

Feb. 16th 1874

My Prince sir

I wish you to send me the
money due me and this shal be your
reccit in full

yours respectfully

Marie J. Lozner

the daughter of Wm. F. Lozner. (deceased)

Feb'y 16. 1874. Received
of J. B. Prince one
hundred & sixty five
dollars in full of
acct due myself &
wife Mary J. Joyner -
on acct of this order.

Witness W. J. + Joyner
J. B. Prince Mark

Wm. Joseph Prince

W. J. Jones
Surge -

Receipts
—

Statement of money collected of Jason
J. Joynes in full of amt due H. J. Joynes
wife in suit of Joynes wife vs Joynes &
Circuit Court Southampton.

By amt paid me - \$200-00-

Charges -

To paid Earl Thayer - \$25.00

" Commissions - 10.00 35.00
\$165.00

Received Feby 16. 1834 of A. B. Purice
atly One hundred & sixty five dollars
Witness
G. W. Purice
H. J. Joynes
Mark