

1891 - 11

Saukrappton County - Chancery -

Jayner, Caroline <sup>et al</sup> vs

Jurgensen, J. J. Vender

"To divide real Estate,  
if not to be sold  
and money divided according  
to rights of parties"

Thomas, Willie B.

Parrell, L. M.  
Extr. next friend

Jayner, Henrietta J.  
Vender

~~1882~~ 1882 by 4<sup>th</sup> 62

vs 3 Bills & Exhibits  
Harrison &c

---

1882 October Rules

M. M. M. &c.

To the Hon Geo. Blow. Judge of the Circuit Court  
of Southampton. In Chancery.

Complaining Sheweth unto your Honor, your  
Complainants Willie R. Thomas and Caroline  
Joyner, all infants by G. M. Ponce their  
next friend. as follows That on the 20th  
Decr 1876, H. P. Pope and his wife, conveyed  
by deed of bargain & sale to Amanda  
& Joyner & her daughter Henrietta, a certain  
tract of land in Southampton County,  
containing 200 acres, more or less.

as will appear from original deed  
herewith filed as an Exhibit in this  
Cause. That since that time Henrietta  
F. Joyner has sold her interest in said  
land to J. T. Ferguson and Amanda  
Joyner has deposited this life interest  
leaving the following children, all  
infants - viz the Complainants in this  
bill - That your complainants believe  
the said land to be not susceptible of  
partition, but if it is, they desire it to  
be divided and if not, to be sold and  
the proceeds of sale distributed.

In consideration of all which, and inasmuch  
as your complainants are without remedy  
except in a Court of Equity where such  
matters are properly to be heard, to them  
that justice may be done, they pray that

J. J. Harrison vendee of Henrietta F. Joyner  
may be made a party defendant to this bill  
and compelled to answer its allegations,  
that your Honor will order the said  
real estate to be divided between the  
parties, if practicable, but if not, then  
that it be sold and the money divided  
according to the rights of the parties.  
And that your Honor will grant  
such other, further, general and  
special relief as to equity may  
seem meet or the nature of this  
case may require. And as in duty  
bound your complacently will  
ever pray to May it please the  
Court &c.

J. B. Prince &c.

G. M. Powell

Letter of Guardian  
-Ship

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Northampton County... In the Probate Court  
The State of North Carolina.

To all whom these Presents  
shall Come... Greeting;

It being certified to the  
undersigned Judge of Probate for  
Northampton County, that Willie R.  
Joyner, Thuma Joyner and Caroline  
Joyner are minor children of James  
H. Joyner, without Guardian, and  
J. M. Powell having applied for the  
Guardianship of said minor children,  
and having been duly qualified as  
such:

Now, these are therefore to authorize  
and empower the said Guardian  
to enter in and upon, all and singular  
the goods and Chattels, Rights and  
Credits of said minor children,  
wheresoever to be found, and the  
same to take into possession, receive  
and improve (and further to manage  
said estate and every part thereof,  
for the benefit and advantage of the  
said minors, and according to law.

Witness my hand and the  
Seal of said Court, this the  
11<sup>th</sup> day September 1882.  
James D. Boone, Probate Judge

Joyners

{ Sums Chy

Ferguson

1882, October Rules

Executed by delivering a copy of the within  
document to and of W. Ferguson on September 29  
1882.

J. Loomis

Deputy for W. W. Thompson

(Signed)

# The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON

*J Ferguson* vendee of  
*Henrietta F Ferguson*

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 *him* in our  
said Court by

*Willie R Joyner. Thos Joyner & Caroline Joyner infants*  
by *G M Powell* their next friend

And this

*And*

shall in no wise omit; and have then there this writ.

Witness, LITTLETON R EDWARDS, Clerk of our said Court this *19<sup>th</sup>* day of

188*2*, in the *107* year of the Commonwealth.

*September*

*L R Edwards* *cl*

~~121 #7~~ #7  
69-

Wyners

v } Stat: Rules

Ferguson

In Southampton Circuit Court.

Willie R. Thomas & Caroline Joyner infants by G. W. Powell  
their next friend Plaintiffs

against  
J. T. Ferguson vendee of Henrietta F. Joyner Defendant  
In Chancery

1882 Sept. 19<sup>th</sup> Summons issued

" Oct. 18<sup>th</sup> Summons returned Executed Bill filed Dece. nisi &

Sept.

" Nov. 18<sup>th</sup> Bill taken for confessed & cause set for hearing 19<sup>th</sup>

" " Dec. 1<sup>st</sup> Decree for partition of

Pope wife  
To } Heed  
Joyner's Trustee

Infants  
William R. Joyner  
Thos Joyner  
Caroline Joyner

By G. M. Pomeroy  
their Guardian  
Potassins

J. J. Faxon  
has bought the  
interest of Heurister  
J. Joyner

1876 Dec. 18

Recorded  
Examined Page 621

12.25 paid

This deed made this 28<sup>th</sup> day of December  
 one Thousand eight hundred and sev-  
 enty six, between H. Pope and Sally  
 A. his wife, of the County of Brampton  
 & State of Virginia of the first part,  
 and G. M. Powell of Northampton City  
 North Carolina, (Trustee for Mrs. Amanda  
 = Jayner & her daughter Henrietta F.  
 Jayner, both of this County & State)  
 For and in consideration of One  
 hundred, and seventy seven Dollars  
 fifty cents, to them in hand paid  
 by the said G. M. Powell (Trustee as  
 aforesaid) the receipt of which is her-  
 = by acknowledged, both grant bargain  
 & sell unto the said G. M. Powell as  
 aforesaid Trustee as aforesaid) a cer-  
 tain tract or parcel of land lying  
 in Southampton County, and con-  
 taining by estimate Two hundred  
 acres more or less, Bounded by the  
 lands of Wm. B. Butler, Bruner  
 Barritt be it & perhaps others, known  
 as the James Drake place, on which  
 the said Amanda Jayner & her daugh-  
 = ter Henrietta now reside, and the said  
 H. Pope & Sally A. his wife doth warrant  
 such title to said Tract of land as vests  
 in them. Witness the following signa-  
 tures & seals.

H. Pope (Seal)  
 Sally A. Pope (Seal)



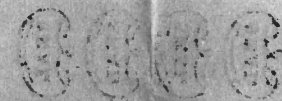
John

vs G Bond  
Ferguson

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1886. Sept 27

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Know all men by these Presents, That we *W. J. Sebruce*  
*and James S. Sebruce*

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of  
*One thousand* ————— Dollars, to the payment whereof, well and truly to be  
made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And  
we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any  
claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets  
other than legal tender currency of the United States.

Sealed with our seals and dated this *27* day of *Sept*

A. D. 18 *86*

THE CONDITION of the above obligation is such that if the above bound

*W. J. Sebruce who was appointed  
a Special Commissioner by a  
decree of the Circuit Court of  
Southampton in the Chancery  
suit of Joyner vs Ferguson to see  
the Real Estate in the proceedings  
mentioned*

shall faithfully discharge the duties of *his* office or trust according to law, then the above obligation to be void,  
or else to remain in full force and virtue.

Signed, sealed and delivered }  
in presence of the Court.

*W. J. Sebruce*  
*J. E. Sebruce*



To Hon. Geo. Blom, Judge &c —

~~We, the Commissioners appointed at the  
Nor. Term of Circuit Ct. 1882, in case  
of Joyner vs. J. J. Ferguson &c., beg leave  
to submit the following report.  
We have allotted to J. J. Ferguson the  
entire land mentioned in the bill, upon  
the condition that he pay, for combined  
interest of other parties the sum of \$250.,  
which said J. J. Ferguson agrees to do.~~

~~Respectfully submitted,~~

~~M. B. Thayer  
J. W. Thayer  
Samuel Ferguson~~

To Hon. Geo. Blom, Judge &c

We, the Commissioners appointed at  
the Nor. Term of Circuit Ct. 1882 in case  
of Joyner vs. J. J. Ferguson &c beg leave  
to submit the following report:

We have examined the land  
mentioned in the bill and find that  
said land cannot be satisfactorily  
divided. From the fact it is a very  
small farm with a <sup>large portion</sup> of it waste  
land. Should it be divided in kind  
either party would get much in acreage  
and we deem it best to sell said

Make report stating that land  
 can't be divided & give your reasons  
 why it can't be divided - & then  
 state that in yr. opinion the interests  
 of all the parties would be promoted  
 by sale of said land - state that  
 one of the parties will take the  
 whole subject matter & pay for the  
 others for their interest in the same.

Jaymes to Report  
 12: 1/2  
 Ferguson

Forwards

J. W. Thob

J. D. Thob

Respectfully Submitted

for James & Sons

James and Sons the surveyors

Joyner &c.  $\} Report$   
m.  $\}$   
Ferguson &c.

In this cause your Commissioner  
begs leave to report that pursuant to  
decree entered herein at the May  
term 1886 he exposed to sale by public  
auction the Real Estate in the proceedings  
mentioned, after having given due notice of  
the time and place of sale, and Wm.  
A. Myrick became the purchaser  
thereof in the sum of \$400.<sup>00</sup>,  
that being the highest bid made therefor;  
that, in the opinion of the Commissioner,  
the sale is a good one and should be  
confirmed; that the said purchaser has  
paid to your Commissioner \$133.<sup>33</sup>, the One  
third Cash payment required of him  
by said decree and he is anxious to  
anticipate the other instalments and pay  
in full the balance of \$266.<sup>67</sup> and take  
a deed for the said land with special  
warranty. And your Commissioner would  
respectfully recommend that he be author-  
ized to collect from the said purchaser  
the balance of \$266.<sup>67</sup> and to execute  
to him a deed for said land with  
special warranty; and, after collecting  
said money and paying the costs of this  
suit and sale, to pay over the balance

to the parties entitled thereto and take  
their receipts for same and return along  
with his report to Comt.

All which is respectfully submitted,

W.D. Sebrice,

Special Comr.

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Doyle de  
w. Report  
Ferguson.

Joyner &c. }  
v. } Report of Comr. Sebell.  
Ferguson. }

In this cause, the Commissioner reports that pursuant to decree herein entered at the May term 1887, he has collected from Wm. A. Myrick, the purchase of the Real Estate in the proceedings mentioned the balance of \$266.<sup>67</sup>, making with the \$133.<sup>33</sup> heretofore reported, the full purchase-price of \$400.<sup>00</sup>; that, out of this said sum of \$400.<sup>00</sup>, he has paid the costs of this suit and sale, and the balance thereof he has distributed and paid out to the parties entitled thereto, according to their respective interests, all which will more fully appear from statements & vouchers herewith filed as a part of this report. That in the distribution of said balance from Commissioner paid the share of J. J. Ferguson to Wm. A. Myrick, who was entitled to the same by virtue of a deed of trust which he held upon all the interests of said Ferguson in said Real Estate, to secure a debt of \$600. due from said Ferguson to said Myrick, which said deed of trust was unsatisfied, and was duly recorded in the Clerk's

Office of Sonethampton. Your Com-  
missioner has executed to said  
purchaser a deed, with special  
warranty for said land - There  
is nothing further to be done in this cause.  
All which is respectfully submitted,  
W. J. Sebrill,  
Special Comm<sup>r</sup>.

Joyner vs.

M  
v. M

Ferguson -

Report of Comm<sup>r</sup>.

W. J. Sebrill.

Joyner &  
r. 3  
Figueras

Statement &c.

Joyner &c }  
v. } Statement.  
Ferguson }

|                                                                |          |
|----------------------------------------------------------------|----------|
| Clark's fees - paid B. F. McLeod                               | 10.23    |
| Sheriff's " paid W. J. Sebrue, atty, for W. J. Sebrue, shiff - | .50      |
| Law & tax - paid, Price & Sebrue, pg.                          | 16.50    |
| Paid for advertising, (See receipt)                            | 4.50     |
| " Auctioneer - " "                                             | 5.00     |
| Com's: on \$400. <sup>00</sup> paid, W. J. Sebrue, Com's -     | 17.00    |
| Writing deed -, paid, Price & Sebrue -                         | 5.00     |
| Atty's fees for suit, " Price & Sebrue -                       | 25.00    |
| Total amt. charges -                                           | 83.73    |
| By amts. sale of land - \$400.00                               |          |
|                                                                | 83.73    |
| Bal. to be distributed -                                       | \$316.27 |

|                             |                                                                   |          |
|-----------------------------|-------------------------------------------------------------------|----------|
| See W. A. M's Receipt filed | Am't. due J. J. Ferguson, $\frac{5}{8}$ of \$316. <sup>27</sup> = | 197.67   |
| " Receipt filed             | " " W. R. Joyner - $\frac{1}{8}$ of \$316. <sup>27</sup> =        | 39.53+   |
| " " filed -                 | " " Mary J. Joyner $\frac{1}{8}$ of \$316. <sup>27</sup>          | 39.53+   |
| " " below -                 | " " Maggie E. Joyner $\frac{1}{8}$ of \$316. <sup>27</sup>        | 39.53+   |
|                             |                                                                   | \$316.27 |

Received Nov. 5<sup>th</sup> 1890 of W. J. Sebrue, Com's. Thirty nine  
&  $\frac{53}{100}$  Dollars, amt. due Maggie E. Joyner, as per above statement.  
W. J. Sebrue, atty, for M. E. J.

Suffolk, Va.,

188

Mr W J Subrell

TRANSIENT ADVERTISEMENTS and  
SUBSCRIPTIONS Payable in Ad-  
vance.

Annual Advertisers Required  
to Settle Quarterly.

JOB WORK, CASH ON DELIVERY.

To Suffolk Herald, Dr..

Fine Job Work a Specialty.

Oct 14 To advertising - Land for sale  
vs. Ferguson re - 450

Recd Payment  
Nov 21 1887  
J E Brooker

Received Sept. 26<sup>th</sup> 1887 of W. J. Sebrall,  
Commissioner, in Chancery suit of Joyner  
vs. Ferguson five & no/100 for services as  
auctioneer in selling land; sold under  
decree entered in said cause.

Gay & Gillette Clerks  
for Gay

Received Jan'y 28/88 of W. H. Sebrice, Com-  
missioner, in Chy. suit of Joyner v. Ferguson  
Thirty nine & <sup>53</sup>/<sub>100</sub> dollars in full of amt.  
due me from sale of land sold under  
decree in said cause.

W. R. Joyner  
By J. W. Jenkins

Potocasi N.C.  
Jan 28<sup>th</sup> 1889

Mess Prince & Sebrall

Dear Sirs

Yours of a recent date is to hand  
and I have authorized. My friend  
Jno. W. Jenkins to collect that  
amnt due me on Sale of land  
and receipt for the same.

My duties confided me. I cant  
well go over so far to collect  
it myself. So you can pay it  
to Mr Jenkins, and it will be  
all right with me.

I hope this will be  
satisfactory.

Yours very truly  
W. R. Fayner

Received of W.D. Sebrule, Comr. in  
the Chancery suit of Joyner vs.  
Ferguson One Hundred and Ninety  
Seven &  $\frac{67}{100}$  dollars, it being amt.  
due J. J. Ferguson from sale of land  
sold under decree in said cause,  
I having a deed of trust, <sup>unredeemed</sup> <sup>in said land</sup>  
on all the interest of said Ferguson  
to secure the sum of \$600, which  
said deed of trust is duly recorded  
in the Clerk's office of Southampton  
Wm A. Myrick

Joyner -

17.

Ferguson

Recd

100

Joyner -

or.

Ferguson

Receipt of

Mary J. Joyner.

Received Sept. 25/89 of W. J. Sebrall,  
spec'l. Com'r. in suit of Joyner vs.  
Ferguson Thirty nine &  $\frac{53}{100}$  Dollars  
in full of amt. due me from the  
proceeds of sale of land sold under  
decree in said cause.

Mary J. Joyner

By W. R. Joyner

Daticasi N.C.  
Sept - the 23<sup>rd</sup> 1889

I Mary J. Jayson hereby certify that -  
I am Twenty one years of age. and am  
a heir of the proceeds of said Jaysons  
against Ferguson. Land known  
as the Glensford, near William Mynico  
I hereby authorize you to pay to my  
Brother W. R. Jayson all the money  
due me. and authorize him to  
receipt for the same

Mary J. Jayson

Subscribed and Sworn to before  
me this day } T. C. Parker J. Presid  
Sept - 23<sup>rd</sup> 1889 } Northampton Co. N.C.

At a Circuit Court held for the County of  
Southampton November Term 1882.

Willie R Thomas & Caroline Joyner infants  
by L M Powell their next friend. Plaintiffs  
Against

J. D. Ferguson vendee of Bessieella & Joyner  
Defendant

This day this Cause came on to be heard  
on the Complainant's Bill taken for Con-  
fessed as to the adult defendants, exhibits  
filed and was argued by Counsel. On  
Consideration whereof the Court  
doth adjudge order and decree that  
partition be made of the land in the  
Bill mentioned as follows: That  $\frac{1}{4}$  be  
assigned to J. D. Ferguson  $\frac{1}{4}$  to Willie R  
Joyner  $\frac{1}{4}$  to Thomas Joyner and  $\frac{1}{4}$  to  
Caroline Joyner; and for the purpose of  
effecting such partition having regard  
to quantity & quality the Court doth decree  
that Samuel Ferguson A B Sharp and  
Thomas Sharp who are hereby appointed  
Commissioners for that purpose do assign  
and allot to the aforesaid parties the  
respective shares by Metes and bounds  
or the entire subject matter may be  
allotted to any party who will accept  
it and pay therefor to the other parties  
such sums as their interest therein  
may entitle them to; But if in the opinion  
of the Commissioners partition cannot

be made in kind they will report that  
back to the Court and the reasons  
upon which their opinion is based.  
Together with the real value of the  
land and the said Commissioners  
will report, to Court.

Attest

Test L R Edwards

The commission is set on  
0850 to fifty or a hundred  
chickens  
per year

James H. & Co  
are  
James H. & Co

Jaynes 44  
m. 3 Decree.  
Ferguson

May Term 1886

To be entered—

Geo. B. Low.

✓

Ed. S. Bruce, T. A.

Jayner  
v.  
Ferguson

} Decree -

This day this cause came on again to be heard upon the papers formerly read upon the Report of A.B. Thorp, J.W. Thorp & Samuel Ferguson, Commissioners appointed by a decree herein entered, to which Report there is no exception & was argued by counsel. On consideration whereof, the Court confirming said Report, doth adjudge, order & decree that to & for the be & he is hereby appointed a special Commissioner to expose to sale at public auction the Real Estate in the Bill mentioned & described, after giving 30 days' notice of the time & place of sale, by written advertisements posted at four or more public places in the County of Southampton, upon the following terms to-wit, One third Cash, the balance on a credit of one & two years from the day of sale, taking from the purchaser bonds with approved security for the deferred payments & the title to be retained till all the purchase money is fully paid. But the said Commissioner will not proceed to

act under this decree until he shall have executed a bond in the penalty of \$1000, with approved security before the Clerk of this Court, conditioned & payable as the law directs. And the said Commissioners shall not advertise the said Real Estate without first obtaining from the Clerk of this Court a certificate that the bond required by this decree has been given & such certificate or a copy thereof shall be appended to the advertisement of sale. And the said Commissioners will make report to Court.

Joyner by &c.,

vs  Decree.

Ferguson &c.,

This day this Cause came on to be heard on the Complainants' Bill taken for confessed as to the adult defendants, exhibits filed and was argued by Counsel. On Consideration whereof, the Court doth adjudge, order and decree that partition be made of the land in the Bill mentioned as follows: That  $\frac{1}{2}$  be assigned to P. J. Ferguson,  $\frac{1}{6}$  to Willie R. Joyner,  $\frac{1}{6}$  To Thomas Joyner and  $\frac{1}{6}$  to Cardine Joyner; and <sup>in regard to the grant of said</sup> for the purpose of effecting such partition the Court doth decree that Samuel Ferguson, A. B. Thorp and Thomas Thorp who are hereby appointed Commissioners for that purpose do assign and allot to the aforesaid parties the respective shares by metes and bounds. or the entire subject matter may be allotted to any party who will accept it and pay therefor to the other parties such sums as their interest therein may entitle them to. But if in the opinion of the Commissioners partition cannot be made in kind they will report that fact to the Court and the reasons upon which their opinion is based, together with the real value of the land; and the said Commissioners

will report to Court.

Paymer by re.  
vs E Decey,  
Ferguson &c.,

Nov. Term 1882,  
To be entered.

Geo. B. Bond.

~~#~~ 39  
Joyner vs. Deane.  
Ferguson.

Nov. Term 1887.

To be entered -  
Comtee

Prince & Hall  
P. G.

Joyner &c. }  
vs. } Decree-  
Ferguson }

This day this Cause came on to be further heard upon the papers formerly read and upon the report of sale made by the Commissioner pursuant to the decree herein entered at the May term 1886, to which there is no exception and was argued by Counsel. On consideration whereof the Court doth approve and confirm the said report and the said sale. And the Court doth further adjudge, order and decree that W. J. Sebrill, special Commissioner, collect from Wm. A. Myrick, the purchaser of the Real Estate in the Bill mentioned, the sum of \$266.<sup>67</sup>, the balance of the purchase-money due on the same, and execute to him a deed for the said land with special warranty. And the Court doth further adjudge, order and decree that the said W. J. Sebrill, special Commissioner, after collecting the said purchase-money in full and paying the costs of this suit and sale, pay over the balance to the parties entitled thereto, and take their receipts for the same and return along with his report to Court.

Joyner &  
r. 3 Decem.  
3  
Ferguson

Jan 9.  
~~Nov~~ Decem 1891

To be entered  
CMT

Ent  
Prinse & Sebell, N.Y.

Joyner vs.  
v. } Deane.  
Ferguson-

This day this cause came on to be further heard upon the papers formerly read, and upon the Report of Commr. W. J. Sebrice, supported by proper vouchers, showing collection and disbursement of the purchase-price for the land in the proceedings mentioned, to which Report there is no exception, and was argued by Counsel.

On consideration whereof, the Court doth approve and confirm the said Report; and, it appearing that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket-