

1857-001 Chancery Causes, John Joyner vs Landa Joyner & al, by & c & al

Isle of Wight County

Other SURNAMES: Whitney
Young

To the County Court of Allegheny at sitting
in chancery, humbly complaining, shew
unto your worships your orator John Logue
of the County of Allegheny. That some years
ago one John Logue, called the elder, of
the County of Allegheny died, having made
his will which was legally admitted to
record in the County Court of Allegheny
to evidence the Court is prayed to refer to
said will is prayed to be considered as
a part of this Bill. He left a widow
whose name was Sally to whom the
land of which he was possessed of about
one hundred and fifteen acres in
said County was devised for life but
he death the same became the property
of the four following persons, who were
the only children of the said John Logue
the elder ^{to wit, Joseph Logue, John Logue, Matthew Logue} and
that the said Sally ^{was} ~~was~~
also so that the life estate has ended,
and Joseph Logue aforesaid conveyed the
land by deed of trust in said County
to some a debt due to Johna Whitman
within of the said deed it was sold and
purchased by your orator

Thomas Logue another of the said children
and claimants of the said land is dead
leaving a widow whose name is Cornelia Logue
and her children Amanda, James, ~~Joseph~~
Elizabeth Logue who are under the age
of 21 years are entitled to his share of
said land and Joseph and Matthew
Logue aforesaid are beyond the Commonwealth
of Virginia - so that the said land (the interest
of the said Joseph having been purchased by
your orator ought to be divided into four
whole shares - two of which ought to be
allotted to your orator in right of the
share of his father and his purchase of the
share of Joseph Logue, one share to Matthew
Logue who is out of the State and the other
part equally between the aforesaid infant
children of Mr. Logue to wit, Amanda, James

and Elizabeth Coyne - the said land
is worth much less than \$200 a share &
to divide it in kind would materially
injure the intent of your orator & the intent
of the other parties, likewise, and by
reason of the infancy of the children of
the said Thomas Coyne and the absence
from the state of the said Joseph and
Matthew Coyne, a sale of the land
can't be made easily by the aid of
your worship - in tender consideration
whereof, and for as much as your orator
is remediless in the premises, herein
this Court he prays that the said Sandra
Laurie ~~Joseph~~, and Elizabeth Coyne infants
by some fit guardian ad litem, and
the said Joseph and Matthew Coyne
(against whom he prays leave to proceed
as against absent defendants) may be
compelled to this bill the con-
sults on their oath to answer the
bill and that the said Joseph may
especially say if his intent has, not
been acquired by your orator or agent,
that your worship (the premises considered)
will decree a sale of the said land
and direct a distribution of the
proceeds thereof according to law &
the rights of the parties, and that you
may take any other or further action
in the premises that may comport
with equity, and as is duly demanded
~~that~~ he will pray for he prays, the
Court's writ of subpoena and command
be directed as

O. Atkinson
p. 9

John Lyman
on 3rd Dec

Joseph Lyman
Solomon

3rd Nov. 1829 infants
ass^d filed & order of
publication awarded

Order copied & posted at the Court
house 2nd Court on for publication
in the Norfolk Beacon - 5th Dec. 1829

To be Comd.
Jordan par

on the side of John
Lyman the elder

July 5th 1830 Interd^o decreed
provisional

Attorney for

January 3rd 1831 report vide
8 coll^o

Dec. 3rd 1832 final decree

The answer of Nathl Jones Clerk of the C.
of Mid Night and session as given to
the Loanda, James Smith and
Robert Jones infants dependants in
the suit of Jones v. Jones & others.
These dependants saving & for answer
says they are of tender years and
knowing nothing of the justice of the
complainants allegations, they submit
their rights to the protection of the Court.
(Signed,

Nathl. Jones Esq.
Attorney

Logan's infant

admiral
Logan

The commonwealth of Virginia to the Sheriff of Isle of Wight
County bearing in command unto my more ~~Joseph~~ ^{James Joseph} Soanda
Loyner, and Elizabeth Loyner, ^{and James Joseph Loyner} the last three infant children of
Thomas Loyner decd. and Joseph Loyner & Matthew Loyner
to appear before the Justices of our said county court at the Court
House of Isle of Wight on the first Monday in November next
to answer John Loyner of his complaint in a bill in chancery
in the said court exhibited against them the said defend-
ants— And unless the said defendants shall answer the
said Bill within four months thereafter the court will
take the same for confessed, and decree the matter
thereof accordingly. and this they shall in no wise omit under
the penalty of \$100 And have then there this writ Witness
Nathaniel Young clerk of our said court at the Court
House the 24th day of October 1829 and in the 54th year of
the commonwealth—

Nath. Young
Clerk

Joseph Coyne and ^{Josephine} ~~John~~ Coyne are
not inhabitants of this State -

Executed on Matthew & Miranda Coyne
& Jos & Matthew Coyne Mentally
Crazy

A. G. Shivers Esq. Secy. of State

Sept 6. 1879

Mass. Court 1879

Wm. H. & D. M.
Coyne
Hill
Coyne

hereunto the image, decree of the Court of Superior
County, bearing date July Court 1830, to me directed, for the
undersigned have made sale of the land which John Jaynes
senr. dec'd. died possessed as in said decree directed as follows
to wit: — — — — —

The s. land 115 acres. to John Jaynes \$120-00

Att: fee - - - \$10-00

Clarks fee - - - 5-39

Do - - - 2-50

Printers, do - - - 5-00

Com: - - - 6-00

28-89
\$91-11

John Jaynes part - - 45-55 1/2
Matthew Jaynes - do - - 22-77 3/4
Corney Jaynes - do - - 3-79 1/2
Loanda Jaynes - do - - 6-32 3/4
James J. Jaynes - do - - 6-32 3/4
Eliza Jaynes - do - - 6-32 3/4
\$91-11

I the said undersigned make the next proceeds of the sale
of the above said tract of land the sum of ninety one Dollars
and 11 Cents - and the several heirs parts as follows to wit
John Jaynes part forty five Dollars and 55 1/2 Cents, Math-
-ew Jaynes part twenty two Dollars and 77 3/4 Cents, Corn-
Jaynes part three Dollars and 79 1/2 Cents - Loanda Jaynes
part six Dollars, and 32 3/4 Cents - James J. Jaynes part six
Dollars, and 32 3/4 Cents - and Elizabeth Jaynes part six Dollars
and 32 3/4 Cents - for which several before I have taken
bond & security for payable to the several heirs as directed
in s. decree - Given under my hand this 5th day of
November 1830 - - - - -

Jordan Lane

John Joyner . . . couple

James Joseph Joyner, Doanda Joiner
and Elizabeth Joyner infants of Joseph
Joyner and Matthew Joyner depts

This cause was this day heard on the
plea of the couple to the answer of the
infant defendants and was argued
by counsel, and the defendants
Joseph Joyner and Matthew Joyner
against whom the bill seems to
have proceeded in the manner
prescribed by laws against absent
defendants, still fail to appear
and file their answers, the Bill of
the couple is taken as confessed against
them, and the Court with the aid of opinion
that the share of each claimant in the
land in the bill mentioned is worth less
than \$100, and that the intent of the parties
manifestly requires a sale of the said land
in order to effect a division, with a decree
originally decreed that Joseph and
Elizabeth W. Booth —
or any ^{one} of them, having given by advertise-
ments at such publick places, as they
may judge proper and especially at the
Court House in the town of New Bedford
at least thirty days previous notice
of sale, so well to the highest bidder upon a
credit of 9 — months except for so much as will
be required to pay the expenses of this suit
and of the sale &c. which will be for cash
the land in the bill mentioned and of which
John Joyner the elder dec'd. died possessed which
he allowed to be in his will. That of the purchase

It is now about as above and after paying the
expenses of the sale of this land, take of the
sum of the Bonds with good security
for the proportion to which each
claimant is entitled pay over
to John Logan on behalf of Matthew
Logan one ~~fourth~~ ^{fourth} of the County
Logan divided of the Logan in lieu
of one in the proportion of his share
in the land to be sold in full in lieu
of one $\frac{1}{24}$ of the balance equally
between Louisa, James & Elizabeth
Logan infant children and their
attorneys of the said Thos. Logan. That
the infant Bonds be paid to their guardians
if any if none then to be filed in the Court
for future order. That such Bonds or may
be taken for the part to which the
said sett. Matthew Logan is entitled
to be filed in the office of the County
of W. Va. might subject to the order of this
Court, & make report to this Court
in order to a final decree.

Logan
m
Logan

Isle of Wight County July Court 1830

John Soyner

Complainant

against

James Joseph Soyner, Louisa Soyner and Elizabeth
Soyner infants and Joseph Soyner and Matthew Soyner Defendants

In Chancery

This cause was this day heard on the bill of the complainant and the answer of the infant defendants, and was argued by counsel, and the defendants Joseph Soyner and Matthew Soyner against whom the plaintiffs seems to have proceeded in the mode prescribed by law against absent defendants still failing to appear, and file their answers, the bill of the complainant is taken as confessed against them, and the court being of opinion that the share of each claimant in the lands in the bill mentioned is worth less than \$100 and that the interest of the parties manifestly requires a sale of the said land in order to effect a division doth adjudge order and decree that Jordan Parr and Claiborne W. Booth or any one of them having given by advertisements at such public places as they may judge proper and especially at the courthouse and in the town of Smithfield at least thirty days previous notice of sale, do sell to the highest bidder upon a credit of nine months except for so much as will be required to pay the expenses of this suit and of the sale & which will be for cash, the land in the bill mentioned and of which John Soyner the elder decedent ~~was~~ possessed and which he alludes to in his will, that of the purchaser the commissioners or such as shall act do after paying the expenses of the sale and of this suit take of the purchaser bonds with good security for the proportion to which each claimant is entitled and pay over to John Soyner one half, to Matthew Soyner, one fourth to Conny Soyner widow of Thomas Soyner in lieu of dower in the proportion of her late husband to be held in fee in lieu of her dower $\frac{1}{24}$ and the balance equally between Louisa, James, and Elizabeth Soyner infant children and heirs at law of the said Thomas Soyner, that the infants bonds be paid to their Guardians if any if none then to be filed in the court for future orders, and that such bonds as may be taken for the part to which the absent defendant, Matthew Soyner is entitled is to be filed in the office of the county court of Isle of Wight, subject to the order of this court, and make report to this court in order to a final decree

Clerks fee \$5.39
att^r " 10.00
Printers fee 5.00
\$20.39

A Copy Teste Nathl. Young C.

Agnes

is

2 Diersu

Agnes & others

Joseph Loyner, John Loyner Matthew Loyner & Thomas
Loyner - Tho: Loyner is dead - leaving 3 children
Loana, James Joseph - & Elizabeth Loyner -
Joseph & Matthew Loyner live out of this state

115 John Loy. is in debt to me for
the sum of \$100 - I have of him \$50 -

At a Court held for Isle of Wight County, the 3d day of November, 1829.

John Joyner,

AGT IN ST.

James Joseph Joyner, Loanda Joyner, and Elizabeth Joyner, infants, and Joseph Joyner and Matthew Joyner,

Plf.

Defts.

Chancery.

THE defendants Matthew Joyner and Joseph Joyner, not having entered their appearance and given security according to the act of assembly, and the rules of this Court, and it appearing to the satisfaction of this Court, that the said Matthew and Joseph Joyner are not inhabitants of this state; it is ordered, that the said defendants Joseph and Matthew Joyner, do appear here on the first Monday in February next and answer the complainant's bill; and that a copy of this order be forthwith published in some newspaper published in the Borough of Norfolk, for two months successively, and posted at the front door of the Court House of this county. A Copy, Teste

NATH'L YOUNG, C. C.

nov 13

22m

I certify that the annexed notice, in the case of Joyner vs Joyner, has been inserted in the American Beacon for two months successively, commencing the 13th day of November 1829.

Wm. Shields,
of Shields & K. Brown,
Publishers of the Beacon
Norfolk Va.

Sworn to, before me, an alderman of Norfolk Borough, this 20th day of March 1830.

Thom Williamson

aldr.

Charge for publication \$5.

A. L. Cottonson Esq. Beacon Office
Norfolk March 20th 1830.

Dr Sir,

The affidavits in the cases mentioned in your letter of 12th inst. which was handed to us yesterday are herewith sent. Oblige us by collecting the fee for publication - Five dollars (\$5) in each case.
Yrs very respectfully,
Shields & K. Brown

Archibald Atkinson Esq.

Attorney at Law

Smithfield
Jan 10 1811

Received
by
James H.
Hogson Jr.

We John Jaynes - and ~~Dolphin Prison~~ promise
to pay or cause to be paid unto Matthew Jaynes
his heirs, execs, admors or assigns the sum of Twenty two
£ Dollars, £77³/₄ the lawful money of Virginia, on demand
the 5th day of August next being for said Jaynes, part
of the great tract of the half of the land which our
Jaynes, execs, admors, and assigns, sold by com^{rs} to which
payment will and truly to be made. We bind our
heirs, execs, admors, and assigns, firmly by these
present, as testifying our hands, and date this 5th day
of Nov^r 1830

Witness

Thos Marshall

John Jaynes

Teste

Dolphin Prison

Teste

John Seymour
to 2 note
Matthew Seymour
\$22-77³/₄

Rec^d this 10th day of Febr. 1837 of Nathl. Young Clerk of Guilford County
One bond due to James Loyner for \$8. 37½ being his proportion of his Grandfather's Dr.
Loyner's land sold by a decree of the court - & which bond was due by John Loyner &
Dolphin Driver - Also rec^d another bond due to the said Eliz^a Loyner for the same
amount from the same obligors - for her proportion of the above ment^d land.
I have drawn these bonds by authority of my being app^d on the 6th instant
(being Court day) guardian for the said James & Elizabeth Loyner -
The said bonds were due on the 5th day of November 1830 -
Witness

Thos. Vezel

John Loyner

M^{re} Lagnier rect: per
bono

Gentle mhu

M^{re} Lagnier & Co