

In Equity
(Roll 243)
Wm Hide & Wife and others
vs
Middleton Joiner &
other Exrs of
Frederick Joiner dcd

Bill for Acct

Carter Comp. Sol.

Filed May 6th 1825

Copy

South Carolina } In Equity
Lancaster District }

To the chancellors of the said State Humbly complaining sheweth unto your Honors your Orators and Oretis(?) as William Hide and Sarah Hide his wife, John (blank) and Sally his wife, and John W. C(blank) and Thirza his wife, that Frederick Joiner, late of Lancaster District in the State aforesaid departed this life some time in the year of our Lord One thousand eight hundred and (blank) that the said Frederick some time before his death made and executed his last will and Testament, and appointed Middleton Joiner, Daniel Joiner and Frederick Joiner Executors of his said last will and Testament and your orators and Oratrices further sheweth unto your Honors that the said Frederick Joiner left at the time of his death a considerable Real and personal estate and which went unto the hand of his said Executors, that the said Frederick Joiner by his said last will and Testament, ordered and directed the whole of his estate to be sold by his said Executors, and the proceeds thereof (after the payment of his death to be equally divided between Ruth Joiner the widow of the said Frederick Joiner deceased Middleton Joiner, Daniel Joiner, Frederick Joiner, Green Joiner, William Joiner and the Heirs of John Joiner - at the time the arrived at the age of twenty one years, that the said Frederick Joiner also devised and bequeathed to his widow and Children above mentioned to wit one tenth part thereof to the legal of his daughter Sarah Hide. Sarah Joiner, one tenth part thereof to the legal heirs of his daughter Rebecca Wallis formerly Rebecca Joiner, and one tenth part thereof to the legal heirs of Ruth Barret - formerly Ruth Joiner at the time they should arrive at the age of twenty one years and that the said Frederick Joiner by his said last will and testament also made the following legacy's to wit he bequeathed to James Willis five shillings, five shillings to Sarah Hide and five shillings to Pheby Joiner, as will more fully appear by a Reference to the said last will & testament of the said Frederick Joiner a copy of which is herewith filed, and marked Exhibit A - And your orators and Oratrices further sheweth unto your honors that your Oratrices and the children and the only legal heirs of the said Sarah Hide who is mentioned in the will of their grandfather Frederick Joiner, and that they are entitled under the will of the said will of the said Frederick Joiner to one tenth part of the whole of his Real & personal Estate except seventy Dollars with the payment of which they have been charged by the said Frederick Joiner -

And your Orators and Oratrices further sheweth unto your honors that the said Middleton Joiner, Daniel Joiner, and Frederick Joiner immediately after the death of the said Frederick Joiner, took upon themselves the execution of his last will and Testament that they sold the whole or the greater part of his Real and personal estate that the amount of the sale was five thousand and eight Dollars and ninety five cents, that the said Frederick had in his possession at the time of his death the sum of Two hundred and Thirty two Dollars and forty three cents and there was due to him by notes and accounts forty three Dollars and Seventy five Cents, which has been Received, as your Orators and oratrices have heard and believes. - And your Orators and Oratrices further sheweth to your Honors that it appears by the Returns of the said Executors of the said Frederick Joiner that they have not paid out to the auditors of the said Frederick Joiner but a very small sum of money, and that after paying the whole of debts which were due from the Estate of the said Frederick Joiner, and deducting the commission, which his Executors are entitled to, there remains in the hands of his said Executors the sum of four thousand eight hundred and seventy Dollars & twenty seven cents, subject to be divided between the legatees of the said Frederick Joiner, besides other property yet unknown to your orators and oratrices, and that your orators & oratrices further sheweth unto your Honors that they have frequently called on the said Executors

of the said Frederick Joiner in a friendly manner and Requested them to settle with your Orators and Oratrices and pay over to the amount of money which is due them under the will of their grandfather the said Frederick Joiner - But so it is may it please your honors the said Middleton Joiner, Daniel Joiner, and Frederick Joiner, combining and confederating themselves to & _____ others persons at present unknown to your Orators and Oratrices whose names when discovered your Orators and Oratrices pray may be herein inserted with apt and fit words to charge them as parties attempting to defraud your Orators and of their just Rights which the acquired under the will of the said Frederick Joiner decd to Refuse to settle with and pay to them the amount formerly which is due to them under divers pretences _____ alleging that your oratrices are not the legal heirs of the said Sarah Hide, and at other time that they acquired no Right under the will of the said Frederick Joiner, and were not entitled to the legacy which was left them under said will, though they will know that they are entitled to said Legacy. All of which acting and doing are contrary and good conscience and to the manifest injury of your orators in the premises -

In tender consideration whereof and foreasmuch as your orators and oratrices are wholly without Relief in the Court of Common Pleas and can only be Relieved in the Honorable Court of Equity to the intent therefore that the Middleton Joiner, Daniel Joiner, and Frederick Joiner on their oaths may true and perfect answer make, to all such matters and things as are contained in this your orators & oratrices Bill of complaint as fully as if the charges & allegations were again Repeated and they hereon interrogated and that they may discover that property the said Frederick Joiner left at the time of his death wether the whole of the said property has been sold and if so, for what amount of money and in what way they have appreciates(?) the money away from the sale of the said sale and also to the intent that your honors may order and decree the said Middleton, Daniel, and Frederick Joiners to account equally for the whole of the property and affects of which the said Frederick Joiner decd seized and possessed and also that your Honors may order and decree them to pay once to your orators and oratrices the proportion of money which they are entitled under the will of the said Frederick Joiner to wit one tenth part of the whole of his estate, and grant to your Orators & oratrices all such further Relief in the premises as in Equity and good conscience they hare entitled - your orators & oratrices therefore pray that your honors may grant them a writ of subpoenas to be issued and directed to the said Middleton Joiner, Daniel Joiner & Frederick Joiner, and your orators and pratrices will ever pray and so forth

Lancaster

Frederick Joiner & others
ads

Sarah Hide &
others

Answer

Step D. Miller

Filed 5th June 1826

South Carolina }
Lancaster District } The Answer of Middleton Joiner, Frederick Joiner, Daniel Joiner
Executors of Frederick Joiner to the Bill of Complaint of William Hide & others. These
Defendants saving & reserving now and at all times hereafter all manner of benefit of exception
to the many errors contained in the said will contained, for answer say - They say it is true
Frederick Joiner has departed this life having first made his will and appointed these defendants
his Executors, who have quallified on his will & sold the same both Real & Personal estate the
account of which is correctly stated in the exhibit B filed with complainants will - there was no
other property which remained unsold and the balance stated in the said Exhibit is the whole
estate subject to division according to the direction of the will & subject to a deduction for the
expenses of a suit at Law Brought by Mrs Caston to recover a tract of Land sold by Defendants
as Executors to Jackey Perry who has not yet paid the purchase money, and has vouched these
defendants to support this title - And should the heirs of Mrs Caston succeed in establishing their
Right - it will considerably lessen the balance contained in complainants exhibited for the fees &
consideration money will amount to a large sum - They further say they cannot consent to a
division of said estate untill the determination of said suit they have vouched the latter to their
father or his Representative and express in the event of a loss of the Land to have a suit with Col
Barber whose father sold their testator all which litigation will have to be supported by the said
estate - They are perfectly willing to pay over to complainants all they are entitled provided they
can shew that they are the Legal heirs of Sarah Hide & relieve them from any liability on account
of said Land sold, and the price of which they have charged themselves in this account to the
Ordinary - These Defendants further say William Hide & Sarah Hide have no interest in their
father's estate except a nominal legacy of five shillings, and they submit that such an interest
would not _____ their filing a Bill in Equity - These Defendants further say the compts live out
of the State and another children of the Daughters of the testator with whom they they have no
personal acquaintance and cannot either admit or deny their Right to and account of Partition of
said estate, but they require proof that they are the children & only children of their Respective
parents - They deny all combination, and without that any other matter stated may be true, and
pray _____ to be dismissed with costs -

Step D Miller

State of So Carolina }
Lancaster District } Personally appeared before me Middleton Joiner, Frederick Joiner, and
Daniel Joiner, Exrs of Frederick joiner decd and made oath that they matters and things
contained in their foregoing answer, so far as they Relate to their own knowledge are true, and so
far as they Relate to information derived for others they believed them to be true
Sworn & Subscribed before me } Middleton Joiner
this 8th June 1826 } Frederic Joiner
John McKenzie JQ & Comr Eqy } Daniel Joiner

So Carolina }
Lancaster District } I do certify this paper contains a true copy taken from the original will of
Frederick Joiner (decd) -
25th February 1825. }

James H Witherspoon O.L.D.

Copy of Fred Joiners Will
Exhibit (A)

In the name of God, Amen: I Frederic Joiner of the State of So Carolina Lancaster District being very sick and week in body but perfect in mind and memory, thanks be given unto God. Calling unto mind the mortality of my body; and knowing that it is appointed for all men once to die; do make & ordain this my last Will & Testament that is to say principally & first of all I give and Recommend my Soul into the hands of almighty God that gave it and my body I recommend to the Earth to be buried in decent christian burial at the discretion of my Executors nothing doubting but at the general Resurrection I shall receive the same again by the mighty power of God ;; -

And as touching such worldly estate wherewith it hath pleased God to bless me in this life; I give devise and dispose of in the same following manner and form. 1st I wish all my Estate to be sold on such a ___ if as my Executors shall and may think most advantageous to the Legatees, and the proceeds (after paying my just debts to be equally divided between my beloved wife Ruth Joiner Middleton Joiner, Daniel Joiner Frederic Joiner, Green Joiner, William Joiner and I wish the legal heirs of my son John Joiner to receive as they arrive to the age of twenty one years their proportionate share of their Father John Joiner's Legacy and I give and bequeath to the legal heirs of my daughter Sarah Hide their proportionate share of their mothers Sarah Hide legacy as they arrive to the age of twenty one. Previous to their Receiving their legacy they must pay into the hand of the Executors the sum of Seventy Dollars as they are in debted to the estate the said sum of Seventy Dollars - I also give to the legal heirs of Rebecca Wallis as the arrive to the age of twenty one, their proportionate share of their mother Rebecca Wallis legacy - I also give to my daughter Ruth Barret legal heirs their share of the Estate to be to be given to them as they arrive to the age of twenty one years - I also give and bequeath to my son in law James Wallis five shillings sterling & no more - I also give & bequeath to my daughter Sarah Hide five shillings sterling and no more. I also leave my daughter-in-law Phebe Joiner five shillings sterling and no more - I also give to my daughter Ruth Barret five shillings sterling and no more - Lastly I nominate and appoint my sons Middleton Joiner, Daniel Joiner & Frederic Joiner my whol soul Executors of this my Last will & Testament Revoking all other wills by me heretofore made - In witness whereof I have hereunto set my hand & Seal this twenty eighth day of August One Thousand eight hundred & eighteen - and in the forty third year of the Sovereignty & Independence of the United State of America -

Signed Sealed published pronounced and declared by the said Frederic Joiner as his last will and Testament in the presence of us who in the presence in the presence of each other have hereunto subscribed our names

Jackey Perry
John Baker
Bailey S Baker

Frederick (his mark) Joiner (LS)

Copy of Return
of Est of Fredk
Joiner -

Exhibit (B)

The Executors of Frederick Joiner in Account with the Estate

1818	
Decr 18 To the Acctr of Sale Bill	\$5008.95
" Notes & Accounts	43.75
" Cash on hand	<u>222.43</u>
Gross amt of the Estate	\$5275.13
Amt of Debt & Commissions	404.86
Note bal. In favor of the Estate	\$4870.27
Setp 20 th 1820	

1818			
By feeds to the Ordinary	No 1	10.-	
" Charly McKey a _____	2	4.-	
" John Gibs on Blacksmith acct	3	2.09 ½	
1818 Alstin Coiel Rect. -	4	2.78	
Taxes for 1818 -	5	7.29 ½	
1817 Jas C. Massey Rect fees	6	5.-	
1818 Alstin Coiel's attested acct	7	16.96 ¾	
1818 Reuben Pattersons attested act	8	15.53	
1818 Danl J Bailey's acct	9	12.87 ½	
1818 William McWillie	10	5.00	
1820 Jas Blair acct as shff	12	7.-	
Stephen D Miller Do	13	8.0	
Green Wallis for negro sh ____	14	1.50	
Luke Harrison for Beef		1.00	
1820 Ordinary for 2 years Returns & for	}		
making a devisision & Copy -	}	5.00	
Add short cost in Jno Gibsons a/c		.80	
By so much for coffiin -		1.00	
" Green Joiners a/ce leftover			
an arbitration for the price of	}		
a cow - -	}	30.25	
Commissions to Executors		<u>263.75 ¾</u>	
Sept 20 th 1820 full Com		404.86 ¼	
Amt of debts & Com paid			

Return made on oath as the law directs

Jas H Witherspoon O. L. D.