

1796-111

SOUTHAMPTON COUNTY
CHANCERY PAPERS

TURNER'S WIDOW

vs. TURNER'S EXECUTOR &
LEGATEES
1796

other surnames: Boykin

Turner

AC

or

Turner-heirs

} bill &
answer

Turner's widow

or

Bill

Turner's Exor. &

Turner's heirs

Novbr. 1795

Salomon Holmes

Arthur Holes

Simon Boykin

Jacob Turner

Aug. 1796 & sent returned &

decreed accordingly

To the Justices of Loudoun county court, in Chancery.

Rebecca Turner widow & relict

of Benge Turner decd. Complaininy shews unto the court that some time on or about the day of in the year of Christ 1794 Benge Turner of this county departed this seized & possessed of a considerable Real & personal estate a tract of Land & number of slaves to wit Simon, Green, Hannah, Olive, yellow Patience, Manill, Sam, Rhueba, Jerry, Rhueba, Patience, Sealy, Mourning, Marcas & little Sealy & other personal estate to a very large amount which he disposed of, by his last will & Testament made & published in writing, which has been duly proved & recorded in this county court & which the Complainant prays may be made part of this her bill of Complaint with which disposition abovementioned your Complainant not being satisfied, she came into court on the second Thursday in January last & then & there did relinquish all benefit which she might claim by the same will, being authorized to do by the act of Assembly in that case made & provided — by which relinquishment she is entitled (as she is advised) to one third part of Benge Turner's estate agreeably to the principles of the common law & the statute of distributions in the same manner as if the Benge Turner had died intestate — & your Complainant having claimed her legal proportion of the estate according to law, Joel Bogkin the acting executor refuses to come to such arrangement alledging for reason that he wishes the sanction of a court of Equity therefor

Rebecca Turner further shews that she has applied to Matthew
Waller, Sally & Elizabeth Turner heirs of Benja Turner to
cause to be made an allotment of & in the lands & personal
estate which were of Benja Turner's died to which your
complainant is entitled - but all of them being infants
under the age of twenty one years say they have no
power to agree thereto without the consent of their
court first had & obtained which refusal of the
s^r & orphans tends very much to the injury of the
Complainant — In tender Consideration
whereof & ^{as} your complainant's relief is only to be had in
a court of Equity & to the end therefore that Joel Boykin
ex^r &c of Benja Turner died & also Matthew, Waller,
Sally & Elizabeth Turner orphans of the Benja Turner
dec^d may be made defts to answer their Bill of Complaint
& that the court will appoint proper persons to allot
& set apart your complainant's dower in the lands
& personal estate whereof Benja Turner died seized &
possessed of - & make ^{in the premises as is consistent with} such other Decree ~~the~~ the Prince
ples of equity, may it please the court &c &c

Absocha

pro Co

The Joint & several answer of Joel Boykin ex^r &c
of Benja Turner deceased, & also ^{the joint & several} their answer of
Matthew, Waller, Sally & Elizabeth Turner infants
underage of twenty one years heirs & legatees of Benja
Turner by their Guardian William Boykin for their
purpose special appointed

Joel Boykin ^{for himself} & William Boykin for Matthew,
Waller, Sally & Elizabeth Turner orphans as aforesaid
admit & acknowledge the statement & allegations
of the bill of Rebecca Turner to be true - & have no
objection that their court should appoint proper person
to lay off & distribute to the Complainant ^{her} ~~their~~ propor-
tional ~~part~~ share of the real & personal estate of the
Benja Turner deceased & make such further order
& decree herein as shall appear to them agreeable
to justice & equity - they pray hence dismissed
with their costs &c

Turners widow

ms
Turners ex. &
legatus

Interloc
utary

Secrec

Nov. 1795

In a Court held for the County Southampton the 12th day of
November 1795

Rebecca Turner widow & relict
of Benjamin Turner decd... Compt^o
against.

Joel Boykin exor &c of Benjamin Turner, decd,
Matthew Turner, Walter Turner, Dolly Turner
& Elizabeth Turner infants, legatees of the
said Benjamin Turner decd, by Wm Boykin
their guardian specially appointed in this behalf.

In Chancery

This cause was this day heard on the bill answer
and exhibits filed therein (being docketed by consent of
the parties) On consideration whereof it is decreed &
ordered that Arthur Dolis Simon Boykin, Solomon
Holmes & Jacob Turner or any three of them allot assign
and set apart the dower of the complainant in the lands
slaves and other estate whereof her husband Benjamin Turner
did seized & possessed (observing to take as near as possible
an equal proportion from the legatees) And make report
thereof to this court in order to a final decree

Teste

Sam Kello J^{cs}
11.

Turner's widow

7

Report

Turner's Ego 2

Pursuant to a decree of Southampton Court, dated November
Session 1795, We Simon Boykin, Solomon Holmes, & Jacob Turner
Have allotted and set apart the Dower of Rebecca Turner in the
Lands & Negroes, that her dec^d husband Ben^o Turner died Seiz'd &
and Possess'd of - As follows, Beginning at a Hickory a line
Tree of the S. Turner & Benjamin Allens, Thence along a line of
marked Trees, to a row of Peach Trees, thence along a row of
stakes thro' the Apple Orchard to a Red Oak, thence to a black
Gum on the North side of a Branch a fork of Tuckers Swamp,
thence up the said branch, to Britton Britts line, thence along
Britts & Turners line to Allens line, thence along the various
Courses of Turners & Allens line to the Hickory at the begining
Also the following Negroes, Namely Simon Cromwell, Olive
and Patience Witnefs our hands this 8th day of June 1796 -

Simon Boykin -
Sol Holmes -

Jacob Turner