

1800-018

SOUTHAMPTON COUNTY
CHANCERY PAPERS

TURNER'S ORPHANS vs TURNER'S ADMINISTRATOR

2/1800

other sURNAMES: Simmons,
Barrow, Johnson, Jones

To the worshipful Court of Southampton County in
 chancery sitting. humbly Comptaining Shew unto the
 Court your orators & oratrices. Polly, Nathan, Rebecca,
 John, James & Nancy Turner infants of Dofs. Turner
 dec'd. by Daniel Simmons their next friend

That the said Dofs. Turner in his life time,
 and at the time of his decease was seized & possessed
 of a real & personal estate in which he had made his last
 testament bearing date the 23 March 1791. and therein
 nominated his loving wife, & two friends David Barrow
 & John Johnson his executors, who refused to qualify to
 the said will upon which administration with the will
 annexed was by this Court granted a certain Henry
 Jones. The Testator at the time of his decease left issue
 Polly, Nathan, Rebecca, John, James & Sarah, and his
 wife Ann Turner who is since deceased, and
 known by the name of Nancy, & Sarah since his father
 is also deceased — In the aforesaid will he bequeathed
 his wife Ann Turner all his estate during her life, and
 after her decease to be equally divided among their
 children. The wife Ann is since dead, and the said
 Henry Jones, because of his having been administered instead
 of executor, conceives that he is not authorized to carry the
 said will into effect, without the order or decree of this
 Court, in consequence of which your Complainants are
 deprived of the estate, which their father intended, should

Simmons
 22
 being an answer
 } Bill and

(54)

May 1798
 Dec'd
 7 Aug 1800
 Dofs. Turner
 Executors

be set a part to them.

In tender consideration thereof and for as much as your Complaints are without remedy only in a Court of equity -

To the end therefore that the said Henry Jones, who your Complaints pray may be made defendant to this bill of Complaint may upon his Corporate oath take the oath answer make to all and singular the allegations in the bill contained, and that he may be compelled to answer again herein repeated & interrogated,

And that your worship will decree that Henry Jones the def^t. make sale of & convey the Land, of which Bap Turner died seized, & divide the money arising from the sale, as well as all the other estate equally among your Complaints aloting to each one sixth part thereof, and make any other or further order or decree in the premises for the relief of your orators & not to pay as may be equitably & justly thought fit.

Yours truly for Compells

The answer of Henry Jones def^t to the bill of Complaint of Belling, Nathan, Rebecca, John Jones, & Nancy Turner infants of Bap Turner dec^d by their next friend Complaints

This defendant seeing &

trusting to himself all manner of exception to the imperfections and uncertainties in the Complaints bill contained, for answer thereto, or to so much thereof as this defendant is advised is material for him to make answer unto He answering saith

That he doth not deny or gainsay any thing that the Complaints have stated, He says that he has been advised, that for an administrator was not authorized to make sale of, & convey the Land of which the testator died seized, nor to assign to Nancy Turner any part of the estate without the direction of this W^{or}ship Court - He is willing to abide by any order or decree that the Court may make regarding the premises and prays to be hence discharged with his reasonable Costs in this behalf so wrongfully sustained

Furness or thans

Os. A decree in
Lones. Shannery

Southampton May Court 1798.

Polly, Nathan Rebecca John. James & Nancy Turner
infants of ^{decd} John Turner ^{decd} by Dan^l Simmons their
Guardian &c ^{Comptts}

Henry Jones ad^r with the will annexed of ^{decd} John
Turner ^{decd} - - - - - Deft

This cause having been docketed by the consent of
the parties was this day heard on the bill answer
& exhibits L On Consideration whereof it is decreed
and ordered that Joseph Denison Arthur Bowring
J^r & Peter and Presly Barrett or any three of them
make sale of and convey the lands whereof ^{decd} John
Turner died seized in a credit of Eighteen months
taking bonds with sufficient securities payable
in equal proportions to the complainants And
also also make equal partition & division of the
personal estate among the complainants and
make report thereof to this court in order to a
final decree

Shells &

In Chancery

Turners apthrs

vs

Turners adⁿ

} Spec
in
ch^y.

To March 1798

Executed 31 Jan^y.

Geo Mason D^{cl}
for
Robt Moberg D^{cl}

Moberg ask

The commonwealth of Virginia to the sheriff of Southampton
County greeting, you are hereby commanded to Summon Henry
Jones adm^r with the will annexed of Paps Turner dec^d to appear
before the justices of our s^d county court at the Courthouse of
the s^d county on the third Monday in March next to answer
a bill in Chancery exhibited against him by Polly,
Nathan, Rebecca, John, James, & Nancy Turner infants of
Paps Turner dec^d by their next friend
and this he shall in no wise omit under the penalty of one
hundred pounds and have there this writ witness Jamkillo
clerk of our s^d county court at the Courthouse the 28th day of
December 1797 and in 22^d year of the commonwealth

Jamkillo J^r L.C.

Report Res^d. the
Land of
Capt Turner Dec.

July 1800

Report ut. Idem
Genial &

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22

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2..3
10..3

In Obedience to a decree of Southampton May Court
- 98 to us directed we the subscribers have made sale of
& conveyed the Lands whereof Robt Turner dec'd
Seized on a credit eighteen Months To Thomas
English for Sixty Pounds five Shillings & have taken
his Bonds with Daniel Simmons his Security in
equal Proportions payable to the Complainants according
to the aforesaid decree

Given under our Hands this 17th day of February 1800

Joseph Benson
Arthur Bowring

Presley Barrett