

1812-014

SOUTHAMPTON COUNTY
CHANCERY PAPERS

TURNER

VS.

TURNER

val

7/1812

other surnames: Barrett

Turner
of 3 Bill
Turner &

March 1871. July Decree

To the worshipful Court of Southampton County in
~~Chancery sitting~~ - Humbly complaining sheweth unto
your worships your oratrix Elizabeth Turner
widow and relict of Benjamin Turner deceased,
that on the ¹⁸¹⁰ day of October in the year of our
Lord ~~1810~~ the said Benjamin Turner departed
this life having just duly made and published
his last will and testament in writing, that among
the bequests and devises therein contained he devised
to his son John Clark Turner this heirs for ever
~~all his land and on the south side of the~~
~~side of the nearest branch to the house beginning~~
side of the nearest branch to the house beginning
at the Swamp up the said branch, to the old road to
Henry Porters line near the meeting house and all
the wood land lying on the north side of Hatfields
place, and to his son Benjamin Bynum Turner
and his heirs for ever all the remainder of his lands,
which will fully appear by an attested copy of
the said will hereto annexed and to which your
worships are referred as a part of this bill - Your
oratrix begs leave to state to the Court that at
the time of the death of the said Benjamin Turner
her late husband, he left five children, to wit, ~~the~~
Samuel Turner, Nancy Barrett wife of James Barrett,
Susan Turner and the above mentioned John

Clark Turner and Benjamin Bynum Turner, and
that although the said Benjamin Turner has devised
his land as aforesaid yet that ~~from the~~
she is advised she is entitled to Dower in the same.
~~but~~ but so it is that notwithstanding her ~~title~~ said
title to Dower, she cannot receive the same into
possession and enjoyment without the aid and
interposition of a Court of Equity. In Under Court
whereof, she prays that the said Samuel
Turner, the said James Barrett and Nancy Barrett,
the said John Clark Turner and the said John Clark
Turner and Benjamin Bynum Turner may be
made defendants to this bill and be compelled to
answer all singular the allegations of the same
fully, perfectly, distinctly and unequivocally. That your
worships will thereupon decree that one third part of
the land devised to the said John Clark Turner
as aforesaid and one third part of the land devised
to the said Benjamin Bynum Turner as aforesaid
may be allotted and set apart to her as her
Dower in the same respectively. That your worships
will grant any other & general relief in the
premises which may be consistent with Equity &
conscience and as in duty bound your orators
will ever pray (Signed) Eliza^{her} Turner
mark

The separate answer of Samuel Turner to the
foregoing bill of complaint exhibited by Elizabeth Turner
widow & relict of Benjamin Turner deceased - He said
defendant saving & reserving to himself every benefit of exception
to the said bill of complaint for answer thereto. That
the allegations therein contained are true and that he has
no objection to the decree which is prayed for. Having
answered &c he prays &c. (Signed) Samuel Turner

The joint & separate answer of James Barrett and
Nancy his wife, to the foregoing bill of complaint exhibited
by Elizabeth Turner widow & relict of Benjamin Turner deceased
The said defendants saving & reserving to themselves every benefit
of exception to the said bill of complaint for answer thereto
say, that the allegations therein contained are true and that they
will cheerfully acquiesce in any decree in this behalf
which it may please the worshipful Court to render.
Having answered &c they pray &c. (Signed) James Barrett
Nancy S Barrett

The joint and separate answer of Susan Turner, John
Clark Turner and Benjamin Bynum Turner infant children
of Benjamin Turner deceased by Samuel Turner their guardian
specially appointed to defend them in this suit to the foregoing
bill of complaint exhibited by Elizabeth Turner widow
and relict of the said Benjamin Turner deceased -
The said defendants by their said guardian saving and
reserving to themselves every benefit of exception to the
said bill, for answer thereto say, that they cannot gainsay
the allegations therein contained and have no objection
to the decree prayed for by the bill. And they pray to be hence dismissed
(Signed) Sam. Turner

Elizabeth Turner widow & relict
of Benjamin Turner deceased

Complainant

against

Samuel Turner, James Barrett & Nancy his wife
Susan Turner, John Clark Turner & Benjamin
Pyrum Turner.

Defendants

In

Chancery

This cause was this day docketed by consent of parties and
heard on the bill, ~~and~~ answers and arguments of
counsel, whereupon the Court doth as judge, order
and decree that James Gee, Rewitt Harris, Henry
Porter, Thomas Porter and Cordell Brantly or any three
of them, do allot, assign and set apart to the Com-
plainant, Elizabeth Turner, one third part of the
Land devised by the last will & testament of Benjamin
Turner deceased, to the Defendant John Clark Turner
and one third part of the Land devised by the said last
will & testament to the Defendant Benjamin Pyrum
Turner, as her Dower in the Land whereof her late
husband the said Benjamin Turner died seized & possessed,
and that they make report of their doings & doing in
this behalf to the Court in order to a final decree;

Elizabeth Turner widow & Relict
of Benjamin Turner deceased
Complainant

against

Samuel Turner, James Barnett & Nancy his wife }
Susan Turner, John Clark Turner & Benjamin }
Brynum Turner } Defendants } Chancery

This cause was this day docketed by consent of parties and
heard on the Bill answers and Arguments of Counsel, Whereupon
the Court doth adjudge, order (and decree that James G.
Newk Harris, Henry Porter, Thomas Porter and Cordell
or any three of them, do allot a pign and set apart to
Complainant Elizabeth Turner one third part of the land
devised by the last will and testament of Benjamin Turner
deceased to the defendant John Clark Turner and one
third part of the land devised by the said last will
and testament to the defendant Benjamin Brynum Turner
as her dower in the land where her late husband
the said Benjamin Turner died seized & possessed
and that they make report of their doings & doings in
this behalf to the Court in order to a final decree.

A copy
Teste Saml. Pillsbury

Turner }
107 } Report
Turner }

July 1852

December 30th 1811 This day We Henry
Porter Thomas Porter & Cordall Brantley
agreeable to a decree of the court of South have
been & viewed the Land belonging to Benja-
min Turner dec'd and have allotted to
Elizabeth Turner one third part of the said
Land and bounded as follows to wit beginning
at a pine in a slash in Benjamin B Turners
Line then along a line of marked trees to a
white oak in John Whiteheads line thence a
long the said Whiteheads line to Henry Porters line
along the said Porters line to a Branch ^{of the said Turner} corner
thence down the said branch to Turners
mill swamp thence down the said swamp
to the said slash then up the said slash to the
beginning

Henry Porter

Thomas Porter

Cordall Brantley