1816-011 SOUTHAMPTON COUNTY CHANCERY PAPERS TURNER and Wife VS. DAY. Val 6/1816

Plat

N.B. Several Sheets glued together & folded; handle with care.

Turner & wife

Ors 3 Bill & answer
Days 3
3
3

Lar. Koch
Richd Blunt
Geo. Phillips
Jno Fairclotts

February 1816 Ent. J. Decree

2 Mard

1 To the M

To the worshipful Court of Southampton in Chancery sitting - Humbly complaining shews unto your worships your complainants Edwin Turner and Martha G his wife late Martha G. Day. That John Day the father of your female complainant departed this life in the year 1815 intestate and seized of a valuable tract of land containing acres. That he left a widow Mary Ann and four children besides your the complainant Martha G. viz Richard B. Day, Edmund Day, Fanny Day and John Day the three last of whom are minors. That the children of the said John Day and are equally entitled to the land whereof he died seized but are advised that it is first necessary that dower in the same should be assigned to the widow which cannot be effected without the aid of a Court of Chancery and that then partition may be made among them. In tender consideration whereof and in as much as your complainants are without remedy save in a Court of Equity they pray that the aforesaid Mary Ann Day widow and relict of the aforesaid John Day and, and Richard B. Day, and the said minors Fanny, Edmund and John by some friend may be made defendants hereto and be compelled to answer all and singular the allegations herein contained fully and unreservedly, and they further pray that dower may be set apart in the aforesaid tract of land to the said Mary Ann Day, and that

the balance of the said tract of land may be equally
divided among your complainants in right of your
complainant Martha G Day and the defendant
Richard B. Day and the aforesaid infants Edmund
Fanny and John Day and finally they pray that
your worships would make any other or further order
or decree in the premises which may be consistent
with justice and Equity and as in duty bound
they will ever pray &c -

Edwin Turner

To the worshipfull Court of Southampton in Chancery sitting
The separate answer of Mary Ann Day wife and relict
of John Day dec'd to the bill of Complaint exhibited
against herself and Richard B Day, Edmund Day
Fanny Day and John Day by Edwin Turner and Martha
G his wife late Martha G Day - This respondent now
and at all times saving and reserving to herself every
benefit of exception to any errors or imperfections in the
complainants bill contained, for answer to so much
thereof as she is advised is necessary for her to
answer, answering saith. That she admits the
facts stated in the bill and she is willing that such
a decree may be rendered as is prayed for by the
complainants. This respondent having answered
prays to be hence dismissed &c -

Mary A Day

To the worshipful Court of Southampton in
Chancery sitting The joint and separate Answers
of Richard B Day and of Edmund Day, Fanny Day
and John Day infants by their next friend appointed
by the Court to defend them in this behalf to the
bill of Complaint exhibited against Mary Ann
Day widow and relict of John Day dec'd and themselves
by Edwin Turner and Martha G. his wife late
Martha G. Day -

These respondents now and at
all times hereafter saving and reserving to themselves
every benefit of exception to any errors or imperfections
in the Complainants bill contained for answer
thereto or to so much thereof as they are advised
is material and necessary for them to answer,
answering say. That they cannot gainsay the
complainants allegations, and are willing that
this Court should pronounce such a decree in
the premises as may accord with the principles
of Justice and Equity. These respondents having
answered pray to be hence dismissed &c -

James & Wife
to
Dower
Deed

Edwin Turner and Martha C his wife late Martha C. Day ——— Complts

vs

Mary Ann Day widow and relict of Wm Day dec'd Richard B. Day Edmund Day Fanny Day and John Day infant children of the said Wm Day dec'd Defts

In Chancery

This Cause was this day docketed by Consent & the parties heard on the bill answer and arguments of Counsel whereupon it is decreed ordered and adjudged that AB &c or any three or more of them being accompanied by the Surveyor of this County (if necessary) do lay off allot and assign to the Defendant Mary Ann Day widow and relict of Wm Day dec'd one third part of a tract or parcel of land containing ——— acres whereof the said Wm Day died seized and possessed as and for her dower in the same having regard as well to quality as quantity and that the said Com'rs or such of them as may act do divide the remaining two thirds in five Equal parts having regard to quality as well as quantity and that they assign to the Complainants Edwin Turner and Martha C his wife in right of his said wife Martha C one of the said parts and that they assign to the Defendants Richd B Day Edmund Day Fanny Day and John Day one other of the said parts having regard to quality as well as quantity and that the said Com'rs lay off allot and assign to the said Richard B Day Edmund Day Fanny Day and John Day the remaining three parts severally and that they make a report of their acting and doings in this behalf to the Court in order to a final Decree

Turner & wife
vs
Days } Decree

[redacted]

At a Court held for the County of Southampton the 19th of February 1816

Edwin Turner and Martha his wife late Martha B. Day ——— Complainants

against

Mary Ann Day widow and relict of John Day deceased. Richard B. Day and Edmund Day, Fanny Day and John Day Infant Children by their next friends the said Richard B. Day appointed by the Court to defend them in this behalf ——— Defendants

In Chancery

This Cause was this day docketed by Consent of the parties and upon hearing the Court heard on the bill answer and arguments of Counsel Whereupon it is decreed and ordered that Lawrence Cook, Richard Blunt, William Phillips and John Fairclaths or any three of them being accompanied by the Surveyor of this County (if necessary) do lay off allot and assign to the Defendant Mary Ann Day widow and relict of John Day deceased one third part of a tract or parcel of Land containing ——— Acres Whereof the said John Day died seized and possessed and for her dower in the same having regard as well to quality and quantity and that the said Commissioners or such of them as may act do divide the remaining two thirds equally between the Complainants Edwin Turner and Martha his wife in right of his said wife Martha B. and the Defendants Richard B. Day and Edmund Day, Fanny Day and John Day the three last of whom are minors having regard as well to quality as quantity and that the Commissioners make a report of their actings and doings in this behalf to the Court in order to a final decree ——— Teste

James Rochelle C.

Turner & wife &c
vs
Day & al.

Chty.

June 1816 Rapt. ret. &
Decree final by consent

Ent'd

3

Paid Clk of
the Court &
Sher. &c &c
16 83 Cents

Agreeably to an order of Southampton February Court 1816. We the undersigned Subscribers have allotted and assigned to Mary Ann Day Widow & relict of John Day deceased three hundred & Six Acres more or less & bounded as followeth to Wit, Begining at a Gum in a small branch a Corner of Lot No 4 & 5 and adjoining the Lands of Samuel Woodard dec.d thence down the branch the various courses thereof to Woodards Spring, thence along Benj.a W. Johnston's line to Crafford's road, thence down the road to a gum pine, thence along Johnston's & Brook's line to Anthony Woodard's line formerly Clarissa Whitehead's, thence along the said Woodard's line to a large dead pine, a Corner of the said Woodard's & Ethildred Edmunds line, thence along Edmunds line to Crafford's road, thence along a line of new marked trees South 75 East 184 poles to the begining,—

Lot Number 1. drawn by Frances Day, Containing One hundred & fifty six Acres, beginning at a small Gum the West side of Crafford's road, thence along a dividing line between Ethildred Edmunds & the said Frances Day to a corner tree in the branch called Pope's thence along that branch the various courses thereof to a Corner of said Edmunds land, thence along a line of marked trees between Susan Johnston's estate & Lot Number One, to a red Oak at Crafford's road, thence down the road to a dead pine in Rives Complils, thence along Rives line to a new Corner made in lots Number 1 & 2 standing in a small branch, thence South 23 West along the dividing line of lots Number 1 & 2 to a pine a new Corner made in lots Number 1. 2 & 4 & 5. thence along a dividing line of lots number 1 & 5 South 89 West to the first station, being her proportionable part of all the lands of her deceased father exclusive of the dower right in the said lands, after receiving Nine dollars from lot number 3 drawn by Edwin Turner in right of his Wife Martha G. Turner formerly Martha G. Day.

Lot Number 2 drawn by Richard B. Day Containing One hundred & forty Acres. Beginning at a new Corner in lots number 1 & 2 in a small

branch

branch in Joseph Reeves line, thence down the said branch the various courses thereof to a poplar a corner of Jno Barnes, thence along Barnes line to a pine a new corner made lots number 2 & 4 thence along the dividing line of lots Nos 2 & 4 to a pine a new corner in lots number 1. 2. 4 & 5. thence along the dividing lines of lots Number 1 & 2 North 23 East to the first station, it being his proportionable part of his fathers estate, exclusive of the dower right lands, after receiving Nine dollars from lot number 3 Drawn by Edwin Turner in right of his Wife Martha G Turner formerly Martha G Day, —

Lot Number 3 Drawn by Edwin Turner in right of his wife Martha G. Turner formerly Martha G Day containing One hundred & Seventy One Acres, begining at a small dogwood, a corner of John Barnes thence along the said Barnes line to John Joynes line at a hickory in the margin of an Old field, thence along Joynes line to a black jack, just across the sink spot branch a Corner of Anthony Woodards line also a new Corner of lots number 3 & 4, thence along the dividing line of lots number 3 & 4 North 35 E to the first station, it being his proportionable part of the said estates land exclusive of the dower right, after paying forty six dollars to Lots Number 1. 2 & 5.

Lot number 4 drawn by Jno M. Day Containing One hundred & seventy Acres. Begining at a black Jack a new corner made in lots Nos 3 & 4 & Anthony Woodards line, thence along Anthony Woodards line to a pine a corner of Samuel Woodards estate line, thence along the said estates line to a new Corner made in lots number 4 & 5 the dower line, thence along the dividing line of lots number 4 & 5 North 2 West to a pine a new Corner made in lots Number 1. 2. 4 & 5. thence along the dividing line of lots Number 2 & 4 to a pine a new Corner made in lots number 2 & 4 in John Barnes line, thence along Barnes line to a small dogwood a corner of lots Number 3 & 4 & John Barnes, thence along the dividing line of lots number 3 & 4 South 35 West, to the first station it being his proportionable part of the lands of his deceased fathers exclusive of the dower right, after paying forty six dollars to lot number 5 drawn by Edmund Day, —

Lot number 5 drawn by Edmund Day containing One hundred forty Acres, Begining at a pine a new Corner in Archibald Edmunds line

line & the dower right by the side of Crafords road, thence along the dividing line of lot number 5 & the dower right South 75 East, 184 pole to a small gum a new Corner of lots number 4 & 5, the dower right & Samuel Woodards estate line, thence along the dividing line of lot number 4 & 5 North 2 West to a pine a new corner made in lots number 1. 2. 4 & 5. thence along the dividing line of lots number 1 & 5 South 89 West to a small gum in a small branch at Crafords road, thence up the said road to the first station, it being his proportionable part of the lands of his deceased fathers exclusive of the dower right after receiving seventy four dollars from lots number 3 & 4, which boundaries of each respective lot will more fully appear by having reference to the plat annexed to this report,

Given under our hands this 26th day of April 1816

Jno Faircloth
Nicho Edwards
Commissioners
W Phillips

N

Thirlone by the
Magnetic Meridian
Variation N. 1¼ East
James Jones Esqr
1810

North Point

Lott No. 1 Contains 150
Acres drawn by Francis
M. Day

Fockenthenta Swamp

New C. Pines

Fockenthenta branch

Lott No. 2. Contains 140 Acres
drawn by Richard Day.

Branch

(Road)

Pine new C.
of Lotts No. 1-2-4-5

New Corner Pine

New Corner Dogwood

Lott No. 4. Contains 170 Acres
drawn by Jno. M. Day.

Lott No. 5. Contains
140 Acres drawn
by Edmund. Day.

Lott No. 3 Contains 191
Acres drawn by
Edwin Turner in right of his
Wife M. J. Turner

Road

Middle Road Contains 306 Acres
Including the Houses Plantation

Road

Road

Edmund and John M. Day
Lotts No. 4 & 5 own the Meadows above

Joyning at
the Marsh on Old Field

Opposite Potts Joyning Land

Joyning Potts
Land

Road

Old Field

E