

1837-055
Southampton Co. Chancery Causes: John Turner vs Trsts. of Nottoway Tribe of Indians
Nancy Turner vs Trsts. of Nottoway Tribe of Indians

To the Worshipful, the County Court of
Southampton—

Your petitioner John Turner represents that he is a descendant of ~~a female of~~ a female of the Wottoway Tribe of Indians, who intermarried with James Turner, a free negro of this County, and being so descended he is entitled to a share of the property both real and personal held in common by the Wottoway Tribe of Indians— That he has made known to the Trustees his desire to have set apart for his own use and benefit the portion to which he is entitled, and which by an act passed Feb. 23^d - 1824, empowers the County Court of Southampton if they shall think ^{fit} to do so, to order the Trustees, after having ascertained the interest of such applicant to pay him his portion, in money from the funds of the Tribe in full discharge of his interest into the Trust estate aforesaid, or to set apart to such applicant, such portion of the estate real and personal, as will be of value equal to the amount of his interest ascertained as aforesaid— Wherefore your Petitioner humbly prays, that in virtue of the said act, you would order the Trustees of the Wottoway Tribe, to set apart or pay over as you may deem best, his interest in the said Trust estate and grant such other further

Petition of John Turner
Nottingham Indian

1837 Ap^l. Order

and general relief as to your money
man bit & proffer & for this the
ever yours &c

To the Worshipful, the County Court of
Southampton - Your Petitioner Nancy Turner
humbly complaining, sheweth unto your
worships that she is one of the persons
belonging to the Nootoway Tribe of
Indians, and as such is entitled to a
share in common of the property held
by Trustees for the benefit of the aforesaid
Tribe - That she is anxious and desirous
to have set apart for her own use and
benefit, her interest in the aforesaid fund
which she is advised your worships
are empowered to do, by virtue of an act
passed Feb. 23. 1824 - She has as is required
made known her wishes to the Trustees and
for as much as she is blind, and incapable
of working, or of doing any thing which can
obtain for her a support, and furthermore
as the interest which she receives from the
funds of the Tribe is entirely inadequate
to her support, she humbly prays that
you would direct the Trustees, having as-
certained the value of her interest in the
said trust fund, to pay her from the funds
of the Tribe a sum of money equal to ^{her} ascer-
tained interest, in full discharge of her claim
upon the said Trust fund, or else direct
them to set apart both from the real and
personal estate such a portion as shall
be equal to her ascertained interest and that
your worships would grant such further
and general relief as the nature of the
case may require, & for this she ever prays &c

Petition of Nanay
Lummi Nootway Indians

1837. Apl. Order.

We the undersigned, appointed Commissioners by the County Court of Southampton for the purpose of ascertaining the interest of John and Nancy Turner descendants of a female of the Mottaway Tribe of Indians, in the Trust Estate held by Trustees for their benefit of the said Mottaway Tribe, beg leave to submit the following report.

We find the Tribe at present to consist of 25 members, and that the Trustees hold for their benefit the sum of \$2944.32 the interest alone of which is annually appropriated towards their support, and lands amounting to 265 1/2 acres a very small portion of which is in cultivation - If the Court should think that each member of the Tribe is entitled to a fee simple interest - there being 25 Indians, we would give to each, to whom the Court may assign his portion 1/25 part of the money, and a portion of land amounting in value to 1/25 the value of the whole tract regard being had to quality, quantity and location -

Should however the Court think they are entitled only to a life interest ~~and~~ and require us to commute it into a fee simple

we should give to John Turner $\frac{1}{2}$ his ascertained
interest in the land, and a full or $\frac{1}{2}$ share
of the money as the Court may direct; and
to Nancy Turner $\frac{1}{6}$ of her ascertained interest
in the land and a full share or $\frac{1}{6}$ of the
money as the Court may direct.

all of which is respectfully submitted

James S. Finch

L. Edwards

Commissioner's Report
in favor of
John & Nancy Turner
Norwegian Indians

1837 June. Act^d H.

" Oct. Rep. Conf. H.

We the undersigned, appointed Commissioners by the County Court of Southampton at their June Term 1837 to set apart and allot to John Turner and Nancy Turner the proportions of land to which they were entitled under an order of said Court setting apart their interest in the Trust Estate held by Trustees for the benefit of the Nottoway Indians, beg leave to submit the following report.

Having maturely considered, where it was best to lay off the same, ~~they~~^{we} with the County Surveyor commenced on the extreme North Western point of Indian Land, at a corner between Mrs Charlotte Nicholson's & Indian Land, and ran a line from thence South to a cypress on Indian Land, thence South rather ~~west~~^{west} to a Red oak, thence South ~~west~~^{west} to a white oak a corner tree for Benjamin Lamb. Mrs Charlotte Nicholson, and Indian Land. thence a straight line to the river N. 42° E. and containing within that area seventeen and one half acres allotted the same to Nancy Turner as the proportion to which she was entitled.

Then commencing at the white oak, a corner tree as before stated for Benjamin Lamb, Mrs Charlotte Nicholson, and Nottoway Indians, and proceeding down the road nearly due East we ran a line from that road to the river parallel to the line running N. 42° E. or nearly so, as its course was N. 41° E. enclosing within that area forty seven and one half acres, which we allotted to John Turner as the portion to which he was entitled

all of which is respectfully submitted

Gave over also their respective James S. Finch proportions of the money

Saml Cobb
James S. Finch
L R Edwards

L R Edwards
Saml Cobb

Report of Comrs.
allotting Indian Land

1857 Act Rel^d Hom^d H^d

Southampton April Court 1837-

On the motion of Nancy Turner a descendant of a female of the Mattoway Tribe of Indians setting forth that she is entitled to a share in common of the property held by the Trustees for the benefit of the aforesaid Tribe - That she is anxious and desirous to have set apart for her own use and benefit her interest in the aforesaid fund which this Court is authorised to do under the act of February 23rd: 1824 - It is ordered that the Trustees of the said Tribe together with Benjamin Devany and Lilliam R Edwards do ascertain and report to this Court the interest of the said Nancy Turner in the property held in trust for the benefit of the said Tribe of Indians as aforesaid -

Teste L. R. Edwards Clk

Order to ascertain the inter-
est of Nancy Turner in the
property held in Trust for the
Stollaway Tribe. of Indians

Southampton April Court 1837.

On the motion of John Turner a descendant of a female of the Mattawamy Tribe of Indians setting forth that she is entitled to a share in common of the property held by the trustees for the benefit of the aforesaid Tribe. that he is anxious and desirous to have set apart for his own use and benefit his interest in the aforesaid fund which this Court is authorized to do under the act of February 23^d 1824. It is ordered that the Trustees of the said tribe together with Benjamin Dewany and Littleton R Edwards do ascertain and report to this Court the interest of the said John Turner in the property held in Trust for the benefit of the said Tribe of Indians as aforesaid.

Teste

L R Edwards Clk

Order to ascertain the Inter-
est of John Turner in the
property held in trust for the
Nottoway Tribe of Indians

The undersigned appointed by an order of the County Court of Southampton made April term 1837 to ascertain the interest of John Turner, and Nancy Turner descendants of a female of the Mattoway Tribe of Indians, in fee simple in lieu of their interest for life in the estates held in Trust for the said tribe, by leave to report, that in discharging the duties ^{imposed} on them, they had reference to the proceedings had in assigning to Green and Henry Turner their interest in the said estates in 1835, and find from a survey made, when Edith Turner & William G. Boasman received their proportion of the said land, that the whole tract then contained three thousand one hundred and nine Acre

3109

Deduct the quantity allotted to E. Turner

and W. G. Boasman

416 $\frac{1}{2}$

ditto allotted to G. & H. Turner

140

556 $\frac{1}{2}$

Leaving the quantity of Land belonging to the Tribe 2552 $\frac{1}{2}$

which we value at the Average price of \$7.00 per Acre \$17867.50

The number of the Tribe, we have ascertained

contain 25 - the above ^{Sum} divided by their number

make each ones share, or life interest \$714.70

Your Comr^s are of opinion that one half

that Sum to wit \$357.35 to John Turner in fee simple

is equivalent to the life interest of the said John Turner,

and that one sixth to wit \$119.11 $\frac{1}{6}$ is equivalent in

fee simple to Nancy Turners life interest. - your

Comr^s in coming to this conclusion in relation to the pro-

portion thus assigned Nancy Turner, are governed by her

advanced age, who is not less than 60 years of age

can judge than sixty five years of age

The monies belong to the Tribe in the hands of the Trustees is \$2944.32 which divided into 25 parts will give John Turner - \$117.77 as his full proportion, and to Nancy Turner say $\frac{1}{6}$ of \$117.77 19.63 -

In arriving at the above conclusions the undersigned has been governed, by the decision of the Court, pronounced in the Case of Henry and Green Turner; which decision

was in conformity to the explanations given to the
Court by the Hon. Geo. Mason, who was a member
of the Legislature at the time the said Law ^{was} passed
and who then stated, in assigning to such of the
Indians (as the Court under the said Act) might
think ^{proper} that their life interest was to be commuted
at, and assigned them in fee simple, in such
proportion as they may deem an equivalent

Respectfully Submitted
Geo. C. M.
Benj. Devany

Comrs. Report of
Jno & Nancy Turner
of the Nottaway Tribe
of Indians

At a Court held for the County of Southampton on the 17th day of April 1837

On the petition of. Nancy Turner and John Turner descendants of a female of the Notoway tribe of Indians setting forth that they are entitled to a share in common of the property held by the trustees for the benefit of the aforesaid tribe. that they are anxious and desirous to have set apart for their own use and benefit their interest in the aforesaid Fund which this Court is authorised to do under the act of February 23^d. 1824. It is ordered that the Trustees together with Benjamin Darsany and Littleton R. Edwards do ascertain and report to this Court the interest of the said Nancy Turner and John Turner in the property held in trust for the benefit of the said tribe of Indians as aforesaid.

At a Court held for the County of Southampton on the 20th day of June 1837-

On the petition of John Turner and Nancy Turner descendants of a female of the Notoway tribe of Indians. to have their interest in the estate held in trust for the benefit of the said tribe of Indians set apart and allotted to them. The Commissioners heretofore appointed to ascertain the interest of the petitioners in the trust estate aforesaid. This day submitted two reports which are in these words. The undersigned appointed by an order of the County Court of Southampton made April Term 1837. to ascertain the interest of John Turner & Nancy Turner descendants of a female of the Notoway Tribe of Indians in fee simple in ^{lieu} of their interest for life in the estate held in trust for the said tribe. beg leave to report. that in discharging the duties assigned them they had reference to the proceedings had in assigning to Egan and Henry Turner their interest in 1835 and from a survey made when Edith Turner & William G. Bodman received their proportions of the said land that the whole tract then contained three thousand one hundred and nine acres.

Deduct the quantity allotted to E. Turner W G Bodman 416 1/2

Ditto allotted to J & H Turner 140 556 1/2

Leaving the quantity of land belonging to the Tribe 2552 1/2

Which we value at the average price of \$7 1/2 per acre \$17867.50

The number of the tribe we ascertain contain 25 The above sum divided by their number make each ones share or life interest \$714.70

Your Commissioners are of opinion that one half that sum to wit \$357.35 to John Turner in fee simple is equivalent to the life estate of ^{the said} John Turner; and that one sixth to wit \$119.11 2/3 is equivalent in fee simple to Nancy Turners life interest. Your Commissioners in coming to their conclusions in relation to the proportion thus assigned Nancy Turner are governed by her advanced age who is not less from all that we can judge than sixty five years of age - The monies belonging to the tribe in the hands of the trustees is \$2944.32 which Divided into 25 parts will give John Turner \$117.77 as his full proportion and to Nancy Turner say 1/6 \$19.63 - In arriving at the above conclusions the undersigned has been Governed by the decision of the Court pronounced in the case of Henry and Egan Turner. which decision was in conformity

over

with the explanation given to the Court by the Hon. John V. Mason who was a member of the legislature at the time the said law was passed and who then stated in assigning to such of the Indians, who the Court might under the said act, might think proper, that their life interest was to be commuted and assigned them in fee simple in such proportion as may seem an equivalent. Respectfully submitted

Jere Cobb Benj Devany-

The undersigned appointed Commissioners by the County Court of Southampton for the purpose of ascertaining the interest of John and Nancy Turner descendants of a female of the Nottoway tribe of Indians, in the trust estate held by trustees for the benefit of the said Nottoway tribe beg leave to submit the following report. We find the tribe at present to consist of 25 members and that the trustees hold for their benefit the sum of \$2944.32 the interest alone of which is annually appropriated towards their support and land amounting to 2652 1/2 acres a very small proportion of which is in cultivation. If the Court should think that each member of the tribe is entitled to a fee simple interest - there being 25 Indians we would give to each to whom the Court may assign his portion 1/25 part of the money and a portion of the land amounting in value to 1/25 the value of the whole tract regard being had to quality quantity and location. Should however the Court think they are entitled only to a life interest and require us to commute it into a fee simple we should give to John Turner 1/2 his ascertained interest in the land and a full or 1/2 share of the money as the Court may direct and to Nancy Turner 1/6 of her ascertained interest in the land and a full ^{share} or 1/6 of the money as the Court may direct. All of which is respectfully submitted, James S French L R Edwards. Whereupon the petitioners by their attorney and the Trustees being fully heard, and the said reports and all circumstances considered the Court adopts the report signed by Jeremiah Cobb and Benjamin Devany two of the Commissioners, and doth order that the Commissioners heretofore appointed including the trustees, or any three of them do set apart and allot to the said Nancy Turner a part of the real estate held in trust for the benefit of the aforesaid tribe equal in value to the sum of \$119. 11 1/2 cents and that the said trustees pay to the said Nancy Turner out of the monies in the hands of the trustees for the use of the said tribe, the sum of \$19. 63 cents to be held by the said Nancy Turner as her individual and absolute property in full discharge of all her interest and claim in and to the trust estate aforesaid And that the said Commissioners or any three of them as aforesaid do set apart and allot to the said John Turner a part of the real estate held in trust as aforesaid equal in value to the sum of \$357. 35 cents and that the trustees of the said tribe pay to the said John Turner out of the monies in their hands for the use of the said tribe the sum of \$117. 77 cents to be held by the said John Turner as his individual and absolute property in full discharge of all his

interest and claim in and to the trust estate aforesaid. And that the said Commissioners make report thereof to the Court.

At a Court held for the County of Southampton on the 16th day of October 1837 - The Commissioners appointed to set apart and allot to John Turner & Nancy Turner descendants of a female of the Nottoway tribe of Indians, their interest in the estate held in trust for the benefit of the said tribe both real & personal, this day made their report which is ordered to be recorded, and is as follows. We the undersigned, appointed Commissioners by the County Court of Southampton at their June term 1837 to set apart and allot to John Turner and Nancy Turner the proportion of land to which they were entitled under ^{an order} of said Court setting apart their interest in the trust estate held by trustees for the benefit of the Nottoway Indians, beg leave to submit the following report. Having maturely considered what it was best to lay off the same, we with the County surveyor commenced on the extreme north western point of the Indian land at a corner between Mrs Charlotte Nicholson's & Indian land, and ran a line from thence south to a bypress on Indian land, thence south rather west to a red oak, thence south to white oak a corner tree for Benjamin Lamb Mrs Charlotte Nicholson and Indian land, thence a straight line to the river No 42° E and containing within that area seven and a half acres allotted the same to Nancy Turner as the proportion to which she was entitled. Then commencing at a white oak a corner as before stated for Benjamin Lamb Mrs Charlotte Nicholson and Nottoway Indians and proceeding down the Road nearly due east we ran a line from that road to the river parallel to the line No 42° E or nearly so as its course was No 41° E including within that area forty seven and one half acres, which we allotted to John Turner as the proportion to which he was entitled. All of which is respectfully submitted James S French. L R Edwards. Jere Cobb. Paid over also their respective proportions of the money. Jere Cobb. James S French. L R Edwards. And it is ordered that the said John & Nancy have and hold the portions allotted to them respectively in full discharge of all their interest and claim in and to the trust estate aforesaid

A Copy

Teste L R Edwards LCB

Copy of the proceedings upon the
petition of John & Nancy Turner
Indians &c