

1838-006 SOUTHAMPTON COUNTY
CHANCERY PAPERS

TURNER VS. REESE'S CURATOR & al

4/1838

See also. Turner et al v. Rochelle's Administrator, 1839-

Other SURNAMES:
Browne, Harriss, Harris

X 107 X. 23.

Turner

in { Papers

Harris &c

1835 Apr. 2. Injunct. awarded &c

" 4. Bond & filed.

" 21. Sp. a. & Injunct. issued &c

" June. New Sp. a. -

" July. Sp. a. acknowledged by Brown -

" Oct. Brown's answer filed &c &c

" Nov. Mo. to dissolve overruled &c &c

1836 Apr. C. P. v. H. Harris -

" Oct. Cont. 2

1837 Apr. Cont. 2

" Oct. Cont. 2

1838 Apr. Injunct. dissolved &c

Deft's Costs

Clk. 12.65

Tax 16.66

19.31

for fa. ip.

John C. Turner
v 3 Bill for
3 by
Giles Reese's Curator

From to in open Court by John C.
Turner. April 3^d 1835
L. R. Edwards

Southampton
C. S. C. L. & C.

To the Honourable Richard H. Baser Judge of the
Circuit Superior Court of Law and Chancery, for the
County of Southampton

Humbly Complaining sheweth unto your Honor, your Orator John
C. Turner of the County aforesaid, That some time on or about the
third day of February in the year four and one thousand eight hundred
and thirty one he became bound as surety in a certain writing obligatory
commonly called a forth coming bond, for one Nathaniel Rockelle who
was styled in the said instrument as Edwin Turner dec^d; and which
forth coming bond was made payable unto Giles Reese who sued for
the benefit of Orris A. Browne. That at the present Term of the Court,
April 1835, a judgment and award of execution on the said forth coming
bond has been obtained against your Orator, as the surety as aforesaid,
in favor of Hardy Harris Curator of the said Giles Reese, for the benefit
of the said Orris A. Browne, and an execution will be immediately
issued thereon, whereby your Orator's property will be seized, and be made
liable to pay a debt, which he is advised ought not to be paid either by
the estate of his principal Nat. Rockelle, or by himself.

Your Orator begs leave further to state, that the said Nathaniel
Rockelle in his life time by the title and description of guardian of John
a. Turner, recovered against the said Giles Reese, in the late Superior
Court of Law, for the County of Southampton, four different judgments,
founded on writings obligatory, the principal of which judgments interest & costs
amounts to upwards of six hundred dollars, office copies of the said
judgments, together with an office copy of the judgment rendered by this
Court against your Orator are ^{is also an off. in copy of Nat. Rockelle's judgment rendered by the Superior Court for the said Nat. Rockelle against the said Giles Reese} herewith filed as exhibits, and prayed
to be received as a part of this bill, and your Orator further charges
that the estate of the said Giles Reese is insolvent, and that the estate of the
said Nathaniel Rockelle is very much embarrassed, and is generally re-
puted to be insolvent: He is advised that the judgments rendered against
Giles Reese in favor of the said Nathaniel Rockelle, in a Court of equity
are fair and proper discounts or set offs against the judgment recovered by
Reese for Browne, against Nathaniel Rockelle, whilst at law they could
not be received; and that as your Orator has become innocently involved as surety
for the said Rockelle, on the judgment aforesaid, he is entitled to the same relief,
and be placed in the same plight and condition, and succeed to all the rights
to which the said Rockelle would be entitled. And your Orator is advised
that the only mode and remedy proper to be adopted by him to prevent mani-
fest injustice, loss, and injury, is by asking for relief in a Court of equity,
which he now does, and hopes that the aid of this Court will be extended
to him.

In tender consideration whereof, and for as much as
your Orator is entirely remediless in the premises, save by the interposi-
tion of your Honor, he prays that the said Hardy Harris as
Curator of the estate of the said Giles Reese, and the said Orris A.
Browne may be made defendants hereto with apt and proper
words to charge them, and be compelled upon their corporal oaths
full, true, just and perfect answers make to all and singular the
allegations aforesaid, as fully and particularly as if the same
were here again repeated and they thereto interrogated specially
and particularly. That your Honor will injoin and restrain
the said Hardy Harris Curator of the said Giles Reese, Orris
A. Browne, and all other proper persons from proceeding

on the judgment and execution aforesaid, until the matter in controversy shall be fully and properly heard and decided - And that your Honor will be pleased to grant unto your Orator such other and further relief in the premises as shall be more consistent with the principles of equity and good conscience. He prays the Court his writ of Subpoena directed to the Commanding Officer.

Parentes & Parker P-9

(signed)

John C. Turner

Southampton County Court.

John C. Turner of the county aforesaid, who hath signed the foregoing Answer personally appeared before me as Justice of the Peace in and for the county aforesaid, and made oath that all the matters and things contained in the foregoing answer so far as they depend upon his own knowledge are true, and so far as they depend upon the knowledge and information of others he believes them to be true. Given under my hand and seal this 3^d day of April A.D. 1895.

Recd
e 3

Turner
27
Brown } answer

Septem: 21/1835.

To the Hon M. H. Baker. Judge of Superior Ct of Law
& Chancery. First Judicial District. First Circuit

The Answer of Orris A. Browne to the bill
of Injunction ^{exhibited against himself and Hardy Harris}
Comptroller of Giles Reese and by John C. Turner.

Your Respondent, for answer to the bill
of the Complainant and or unto so much thereof as
he is advised, that it is in any way material
for him to make answer to, answering, says
that returning to himself all benefit of a relation
that may hereafter arise, he admits most of the
facts as set forth in the bill of Injunction to be
true, that he believes the statement of the Com-
plainant as to, ^{the} insolvency of the estate of
Nathaniel Rockell to be true, that the
estate of Nathaniel Rockell is clearly bound
to the record to the amount of the bonds that are
sought to be affected, that the sd Rockell rendered
himself liable by his failure to sue the surety
of Giles Reese, when it was notorious that the
sd G. Reese was insolvent, & by his failure to
sue at an earlier day, that independent
of these facts, that one certainly entitled to succeed
in a Court of Equity. the effects themselves were
properly rejected at Law. so also ought they
to be rejected in Equity, not being mentioned &
due in the same right, that he considers the
Complainant as entitled to equity in as much
as he became bound by his own act & deed,
voluntarily & with a knowledge of all the
facts & circumstances, that the record can
only look to his guardian for a fair & just
settlement of his accounts, that your respon-
dent is an innocent person, a purchaser for a
valuable consideration & as such entitled to
the protection of this Court

he begs leave to refer your honour to this fact
that the claims were considerably reduced by
the jury that gave judgment thereon, whereby
he sustained an injury to that amount -
he prays the protection of this Court, & further
prays that the injunction may be dissolved
having answered he prays to be discharged &

Atty for Deft.

Greenville County, S.C.
August 5th 1835

This day Oris A. Barton personally
appeared before me a Justice of the Peace
and made oath to the allegations of this
answer so far as they are stated of his own
knowledge, & declares his belief of them -
so far as they depend upon information
received from others - Given under
my hand & seal the day & date above
mentioned

A. T. B. Merrill (S^g Pe)

Virginia: At Rules holden in the Clerks' Office of the Circuit Superior Court of Law and
Chancery for the County of Southampton on the first Monday in April 1836-

John C Turner

against

Plff

In Chancery

Hardy Harris Curator of the estate of Giles Reese dec^d and Orris A Browne Ex^{ors}

The defendant Hardy Harris curator of the estate of Giles Reese dec^d not having entered
his appearance and given security according to the Act of Assembly and the Rules of this
Court, and it appearing by satisfactory evidence that he is not an inhabitant of this County
it is ordered that the said defendant do appear here on the first day of October Term next
and answer the bill of the plaintiff and that a copy of this order be forthwith inserted in
some newspaper published in the Town of Petersburg for two months successively and posted
at the front door of the Courthouse of this County-

Teste L.R. Edwards Clk

Turner

~ { Or Pub.

Stans 8°

To enforce the defendants their agents, attorneys and all others concerned, from further proceedings on a judgment of the late Court Superior Court of Law and Chancery for Southampton County, recovered at the April Term 1835, by the defendant Hardy Harris executor of the estate of Giles Reese dec'd for the benefit of Mrs. A. Browne, until the further order of the said Court, the said plaintiff having given bond & security, as the law directs, and filed a release of all errors at Law in the said judgment & proceedings.

Teste J. Rochelle Clk

c. 5. b.

Turner

vs. Z. Africa & Son

Harris & Co

Sum. Rules 1835

Ag. Subscribed
 Wm. J. Rochelle Dy. of
 Wm. J. Rochelle & Co.

The Commonwealth of Virginia :

To the SHERIFF of *Southampton* — County.—GREETING:

You are hereby commanded to summon *Hardy Harris* curator of the Estate
of *Giles Reese dec^d* and *Orris Atkinson* —

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the
County of Southampton, on the first Monday of *June* — next, that being rule
day, to answer a — Bill exhibited against *them* —
in the said Court by *John L. Turner* —

And unless the said defendants shall answer the said bill, within four months thereafter, the
Court will take the same for confessed, and decree the matter thereof accordingly.

And this *they* shall in no wise omit, under the penalty of 100*l*. And have
then there this writ.

Witness—JAMES ROCHELLE, Clerk of our said Court at the Court House, the *21st*
day of *April* 183*5*, and in the *59th* year of the Commonwealth.

James Rochelle

[One copy to be delivered to each defendant.]

To enjoin the defendants their agents, attorneys, and all others concerned from further proceedings on a judgment of the Circuit Superior Court of Law and Chancery for Southampton County recovered at the April Term 1835 of the said Court by the defendant Hardy Harris curator of the estate of Giles Reese dec'd for the benefit of the other defendant against the plaintiff until the further order of the Court. The said plaintiff having given bond & security as the law directs and filed a release of all error at Law in the said judgment & proceedings.

Teste James Rochelle Clk

le. 5. 6

James

Esq. & Son

Harris

1835 July Rules

I acknowledge due service of the within
 Order of the Court
 July 10th 1835

Hardy Harris no inhabitant

W. H. Tucker Sec.
 Nath. Sand eff.
 3

The Commonwealth of Virginia: To the Sheriff of Southampton County
Greeting: You are hereby commanded to Summon Hardy Harris Curator of the
estate of Giles Reese dec^d and Orris A Brown to appear at the Clerks Office of our Circuit
Superior Court of Law & Chancery for the County of Southampton at the Rules to be
holden for the said Court on the first Monday in July next to answer a bill in Chancery
exhibited against them in the said Court by John C Turner. And unless the said
Defendants shall answer the said bill within four Months thereafter the Court will
take the same for confessed and decree the matter thereof accordingly. And this they shall
do in no wise omit under the penalty of \$100. And have then there this writ
Witness James Rockelle Clerk of our said Court at the Courthouse the 1st day of
June 1835 in the 59th year of the Commonwealth.

James Rockelle Clk

Turner

v } Proof. Pub.

Hans H

1838 Feby. 20th

VIRGINIA.--At Rules holden in the
the Circuit Superior Court of Law and Chancery for the
County of Southampton on the first Monday in April, 1836:
John C. Turner, Plaintiff.
AGAINST
Hardy Harris, curator of the estate of Giles Reese, dec'd.,
and Orris A. Brown, Defendants.

IN CHANCERY:

The defendant, Hardy Harris, curator of the estate of Giles Reese dec'd., not having entered his appearance and given security according to the act of Assembly and the Rules of this Court; and it appearing by satisfactory evidence that he is not an inhabitant of this country: It is ordered that the said defendant do appear here on the first day of the October Term next, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the Town of Petersburg for two months successively and posted at the front door of the Courthouse of this county.

April 25

A Copy--Teste,

L. R. EDWARDS, C. C.

Southampton County

This day personally appeared before
me a Justice of the Peace for the
County aforesaid Robt Benhill late
Editor of the Petersburg Intelligencer
and made oath that the annexed
order of publication, from the Circuit
Superior Court of Law & Chancery
for the County of Southampton, in the
case of John C. Turner vs Hardy
Harris Curator of the Estate of Giles
Reese dec'd & Orris A Brown
was inserted for two months suc-
cessively in the said before men-
tioned newspaper. Given under
my hand and seal this 20 day of
February 1838 - N. A. Seabell J. P.

Printers Fee \$5.50

Recd for Brown & Smith Rockwell com-
of E. Turner April 27. 1847.

The Col of E. Turner
To 3 Cites Rice

3 See when E. Turner died

Pay the within to O. A. Brown
A. P. 1847

Dec: 25. 1826. I assign the
within account to Edward
Ruse for value R.C.D.

Giles Ruse

Attest
Sampson C. Ruse.
by R. R. R.

The Estate of Edwin Turner To Giles Reese
To board and clothing of Nancy L Turner orphan of
Edwin Turner Dec^d from Oct^r 18. 1822
untill Oct^r 16. 1824 & board & clothing of nurse } 200.00
for the same time -

" board of th Dec^d from 16. of Oct^r 1824. till Dec^r 86.66-
20th 1826 — at \$40 pr^r Year -
286.66

Turners Gr.

as { Co. Judge.

Reese

Turner

as { Ex: with lld.

Harris &

Southampton Superior Court November Term 1827.

Nathaniel Rockelle who is sometimes called guardian to John A. Turner Plff.
against
Giles Reese. In Debt
Lft.

The defendant still failing to appear On the motion of the plaintiff by his Attorney
it is considered by the Court that the plaintiff recover against the Defendant the Sum of One
hundred and fifty dollars fifty cents with legal Interest thereon from the 25th day of Decem-
ber 1826 till paid The debt and interest in the declaration mentioned and his costs by
him in this behalf expended. And the said Defendant in Mercy &c.
Plffs Costs \$7.62.

Attest Teste James Rockelle Clk.

Turners G^d

or S Co. Judge

Reese

Turner

or S Ex. with bill

Harris &

Southampton Superior Court November Term 1829.

Nathaniel Rochelle who is sometimes called Guardian to John Turner Plff.
against
Giles Reese

In Debt

The defendant Still failing to appear On the motion of the plaintiff by his Attorney
It is considered by the Court that the plaintiff recover against the Defendant the sum of One
hundred and fifty dollars and fifty cents with legal Interest thereon from the 25th day
of December 1828 till paid the debt and interest in the declaration mentioned and
his costs by him in this behalf expended. And the said Defendant in Mercy &c.
Plffs Costs. \$7. 62

Attest

James Rochelle Clk

Turners Co
as Ex. Copy Judge
Reese

Turner
as Ex. with bill.
Harris &c

Southampton Superior Court November Term 1829—

Nathaniel Rochelle who is sometimes called Guardian to John A. Thomas. Plff.

against

Giles Reed.

In Debt
Dft.

The defendant still failing to appear On the motion of the plaintiff by his Attorney it is considered by the Court that the plaintiff recover against the Defendant the Sum of One hundred and fifty dollars and fifty cents with legal Interest thereon from the 25th day of December 1827 till paid the Debt and interest in the declaration mentioned and his costs by him about his suit in this behalf expended. And the said defendant in Mercy &c.

Plff Costs \$7.62

Attest

Jamies Rochelle Clk

Turners & Co.

" & Co. Judges

Reese

Turner

" & Co. with bill

Harries & Co.

Southampton Superior Court November Term 1829.

Nathaniel Rockelle who is sometimes called Guardian to John & Turner Plff.
against

In Debt

vs

Giles Reese.

The defendant still failing to appear On the motion of the plaintiff by his att.
orney it is considered by the Court that the plaintiff recover against the Defendant
the sum of One hundred and fifty nine dollars eighty cents with legal Interest from
25th day of December 1826 till paid the Debt and interest in the declaration mentioned
and his costs by him in this behalf expended. And the said Defendant in Money &c
Plffs Costs 7.62-

Attest

James Rockelle Clk.

Turner

as 5 East. Street 1810

Harris &

Southampton Superior Court November 3^d 1830.

Giles Reese who dies for Oris A Brown

Plff

In Case

against

Nathaniel Rockelle. Comr. with the will annexed of Edwin Turner ad. Dft.

This day came the parties by their Attornies and thereupon came a jury to wit William W. Butler; Nathaniel Blom. Dixon Shilly, Bennett & Whitfield, Insley Barnes, Patrick Dole, William T. Maget. James Blom. John Sykes, Thomas Kearney, Thomas Harrison and Allen Edwards. who being elected tried and sworn the truth to speak upon the issue joined, upon objections being made by the plaintiff to the affidavits filed by the Defendant they were withdrawn, whereupon the jury upon their oath returned a verdict in these words to wit. "We of the jury find for the plaintiff and assess his damages to One hundred and fifty two dollars". Therefore it is considered by the Court that the plaintiff recover against the Defendant his damages assessed as aforesaid and his costs by him in this behalf expended To be believed of the goods and chattels of the said decedent in the hands of the defendant to be administered. And the said Defendant in Mercy &c. Costs \$17.73 etc.

Attest

James Rockelle Cld

Southampton Circuit Superior Court April 2^d 1835

Hardy Harris Curator of the Estate of Giles Reese dec. for the benefit of Oris A Brown

Plff

against

John C Turner

A motion upon a bond taken for the

forthcoming of property at the day of sale.

This day came the parties by their Attornies who being fully heard it is considered by the Court that the plaintiff may have execution against the Defendant for the sum of Three hundred and fifty seven dollars sixty eight cents the penalty of the said bond and his costs by him about his motion in this behalf expended. And the said Defendant in Mercy &c.

But this execution may be discharged by the payment of One hundred and seventy eight dollars eighty four cents with legal interest thereon to be computed from the 3^d day of February 1835 till paid and the costs.

Costs \$4.74 etc.

Attest

James Rockelle Cld

Southampton County do wd

I John L Turner of the County of Southampton in
consideration of the terms upon which an Exemption hath been granted me by the
Sircuit Superior Court of Law & Chancery for the County of Southampton to a judg-
ment of the said Court recovered against me on the 2^d day of April 1835 by Hardy
Harris Curator of the Estate of Giles Reese dec^d for the benefit of Orin M Brown
for the sum of \$357. 64 Cents & Cents. to be discharged by the payment of \$178. 84 Cents
with legal interest from the 3^d day of February 1835 the said & Cents. do hereby release
all and every error or errors at Law in the said Judgment & proceedings -
Given under my hand & Seal this 2^d day of April 1835.

John L Turner 

Turner

" { Engon. land.

Harris &

Know all men by these presents that we John C Turner and Edward Butts are
held and firmly bound unto Hardy Harris Curator of the estate of Giles Reese
dec^d for the benefit of Orris A Broome in the just and full sum of four hundred
and fifty six $\frac{24}{100}$ dollars to be paid to the said Harris &c his heirs his certain
attorney, executor, administrators or assigns, to which payment well and truly to
be made we bind ourselves our heirs, executors, and administrators jointly and severally
firmly by these presents. Sealed with our seals and dated this 4th day of
April 1835-

The Condition of the above obligation is such that whereas the above bound
John C Turner hath obtained from the Judge of the Circuit Superior Court of
Law and Chancery for the County of Southampton, an injunction to stay untill
the further order of the said Court, all further proceedings on a judgment of the
said Circuit Superior Court of Law and Chancery for Southampton County
recovered against him by the above named Hardy Harris Curator of the estate
of Giles Reese dec^d for the benefit of Orris A Broome on the 3rd day of April
1835 for the sum of Three hundred and fifty seven dollars sixty eight cents & costs
to be discharged by the payment of \$179.86 Cents with interest thereon to be
computed after the rate of Six per centum per annum from the 3rd day of
February 1834 till payment and the Costs. Now if the said John C Turner
shall well and truly pay and satisfy the judgment aforesaid, and also all
such costs as shall be awarded against him, and all such damages as shall
be incurred by him in case the injunction aforesaid shall be dissolved, then
the above obligation to be void or else to remain in full force and Virtue-

John C Turner 

Edward Butts 