

1846-31 SOUTHAMPTON COUNTY
CHANCERY PAPERS

TURNER VS. REESE etal

other surnames: Felts

John C. Thomas
Bill of injunction
Abigail K. K. K.

1845 & 1846. II. Inj. granted 8^o

To the Honorable Richard H Baker judge of the
eminent superior court of law and equity for the county
of Southampton

Humbly complaining your
complainant John C. Furber sheweth unto your
Honor that in the year Edwin Russ of the county of
Southampton ^{deceased} leaving considerable property both personal
and real having first duly made and published his
last will and testament bearing date the 3^d of November
1823 which was admitted to probate in the County
Court of Southampton the 14th of October 1825 his wife
Rebecca qualifying as his executrix under the said
will leaving Rebecca his widow Hymen who died
under age and intestate Edwin. James since dead
but whose estate is unrepresented Olive, Peggy, Priscilla,
Julia, Rebecca and Mary his children his only devisees
and ~~legatees~~ legatees under the said will his wife
Rebecca qualified as ^{his} executrix and accepted the provision
made for her in the will in lieu of her dower
Among other devises made in the will the testator
Edwin Russ devise or lends all the lands whomever he
may die seized and possessed at his death together
with all his slaves and some other personal property
to his wife Rebecca during her natural life or
widowhood in another clause of his will he directs
that all the personal property remaining at the death of
his wife be sold on a reasonable credit and the money
arising from such sale be divided in the following
manner Hymen to have one hundred dollars less and
Mary to have one hundred dollars more than the
other named children Olive, Peggy, Priscilla Julia and
Rebecca all of which will more fully appear by reference
to the said will which is herewith filed marked exhibit
A and mayed to be taken as a part of this bill your
complainant further sheweth that the widow Rebecca Russ
now has in her possession the thirteen following
slaves either those or the increase of those slaves which
were bequeathed her by her husband Edwin Russ viz
Jack valued at say \$350.00 Patience \$300. Henry \$300
George \$600 Susan 300 Martha \$350 Charlotte \$300
Christina \$300 Colley \$250 Nathan \$300 Cornelia \$200
Evelyn \$200 James \$75 amounting in all to the sum
of \$3475 Your complainant further sheweth unto
your Honor that Rebecca one of the children and

legatus mentioned intermarriage with Lewis Felt and
that the said Lewis Felt for and in consideration of
the sum of one hundred dollars paid him by your
complainant bargained and sold by a deed under seal
his land and real to your complainant all right title
and interest which he had in right of his wife to the
slaves and other personal property held by the widow
Rebecca Russ during her life or widowhood all or
which will more fully appear by reference to the said
deed which is herewith filed and prayed to be taken
as a part of this bill marked exhibit to which your
complainant charges he has a right to do it being a vested
interest in his wife Rebecca your complainant further
sheweth that he believes that Rebecca Russ intends
removing from the commonwealth of Virginia carrying with
her the slaves and other personal ^{property} righted to her for life
by her husband he has been told by those who heard her
say it and he believes that she intends removing with
her son Edwin Russ to the state of Alabama and he
charges that she does intend to remove out of the country
carrying this property with her thereby defrauding him
and others of their just rights. In further consideration
whereof and inasmuch as your complainant is without
remedy at law and only entitled to relief in a court
of equity he therefore humbly prays that your Honor
would make Rebecca Russ in her own right and as
executrix of Edwin Russ Edwin, Olive Peggy Priscilla
Julia and Mary Russ parties defendant to this bill
and compel them as full and perfect assurance
make to the allegations therein contained as if they
had been themselves more fully and especially
interrogated and that your Honor would by an
order of injunction restrain Rebecca Russ from
removing the slaves from this state by requiring
her to give bond and security to have them
forthcoming at her death to carry out the provision
of Edwin Russ's will under which your
complainant claims and that your Honor
would grant such other and general relief the
premises considered as equity may dictate and
the nature of his case may require and as
in duty bound your complainant will ever
pray &

Parker & Shanks & Co.,

Southampton County to wit
This day John C. Turner
personally appeared before a justice of the peace for
the county aforesaid and made oath that the
facts contained in the above bill so far as they
depend on his own knowledge are true and so
far as they depend upon the information of
others he believes them to be true given under
my hand this 10th day of November 1845.

G. A. W. Newcomer J.

June

as by

Rece

Signature

To be entered

R. H. B.

on motion of the plaintiff by Counsel who this day filed their bill

An injunction is awarded to prevent the defendant Rebecca Rice her agents attorneys and all others concerned from removing or causing or permitting to be removed or sent out of the limits of this Commonwealth the slaves Jack, Patience, Henry, George Susan, Martha, Charlotte, Harriett, Collier, Nathan, Cornelia, Everett, James, in this bill mentioned until the further order of the court and unless the said defendant shall enter into bond with sufficient security in the Clerk's office and before the Clerk of the circuit superior of law and chancery of Southampton County, payable to the Plaintiff in the penalty of ~~eight~~ eight hundred dollars conditioned to have the said slaves forthcoming to abide any future order or decree of the court in relation thereto. Where the Sheriff of the said county of Southampton is directed to take possession of the said slaves mentioned above and to bring them out until the next circuit superior court of law and chancery for said county taking bond and security for the said sum payable to the said Sheriff and return and file the same in the cause. But the effect of this injunction is to be suspended until the Plaintiff or some one for him shall enter into bond with sufficient security in the said Clerk's office in the penalty of five hundred dollars conditioned to pay all such costs and damages as may accrue to or against the defendants ^{or either of them} in consequence of this injunction.

Edwin Ware

Will

W. C. Ware

W. C. Ware

Davis Felt who married
Elizabeth Ware one of
the children

In the name of god amen I Edwin Reese of the County of
Southampton and state of Virginia of sound mind this third
day of November Eighteen hundred and twenty three do make
and ordain this to be my last will and Testament in manner
and form following I leave I leave to my wife Rebecca Reese
during her natural life or widowhood all the Land I am
possest of at my death together with the following
property all the slaves I am possest with five horses four
head of Cattle six head of sheep and four sows and pigs
all of her choice but she must board and school my two
sons Edwin and James so much as she may think necessary
without charging them board them I give and bequeath unto
my wife so much of the crop and so much pork as may
be necessary for one years support I leave unto my
wife as named in the first item all my household and kitchen
furniture my still apple mill press hoop and vessels thereunto
belonging and as many of the farming tools as may be deemed
proper for her use I leave the balance of the money arising from
the sale of property not named I give and bequeath unto
my daughters namely Olive Pegga Presilla Julia Rebecca
and Mary to be equally divided between them and their
heirs forever I leave after the death of my wife I leave unto
my two sons Edwin Reese and James Reese the tract of
land named in the first item and if either of them
should dye before of lawfull age the surviving one shall
have the same right as was invested in him and if both
should dye before of lawfull age the said land to be equally
divided between my surviving children them and their
heirs forever I leave after the death of my wife all the personal
estate that may be remaining to be sold on a reasonable credit
and the money arising from such sale to be divided in
the following manner Bynum Reese to have one hundred
dollars less and Mary Reese to have one hundred dollars
more than the other named children Olive Pegga Presilla
Julia Rebecca which will be equal only Bynum Mary
Mary The above named sum of one hundred dollars all
to them and their heirs forever and lastly I do constitute
and ordain my wife Rebecca Reese sole and sole Executor
to this my last will and Testament as Witness my hand

and seal the day and date above written

Signed sealed and published

and declared in presence of

Samuel Blunt

Edwin. Ruse seal

Henry Parker

Rivers Ruse

At a Court held for the County of Southampton on the 17th October 1823 this will was presented in Court by Rebecca Ruse the Executrix therein named proved by the oath of Rivers Ruse one of the witnesses hereto and Continued and at a Court held for the aforesaid County of Southampton on the 21st November 1825 this will was further proved by the oath of Samuel Blunt another witness hereto ordered to be recorded and on the motion of the said Executrix who made oath according to Law certificate is granted her for obtaining probat thereof in due form on her giving bond & security whereupon the said Rebecca together with Edward Ruse & Giles Ruse her securities entered into & acknowledged their bond in the penalty of \$5000 Conditioned as the Law directs

Teste

James Rochelle Clk

Attest

Teste

L. A. Edwards Clk

Southampton County

In the Clerks Office the 17th day of July 1843

This Bill of Sale from Lewis Felts to John C Turner was acknowledged by said Felts. and admitted to Record.

Teste

L R Edwards Clk

Bill of Sale from
John C Turner
to Lewis Felts

Felts }
to } Bill Sale
Turner }

1843 July 17th a.C.B. J.C.B.

600 } Received
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Handwritten

Know all men by these presents that I Lewis
Felts of the County of Southampton and State of Vir-
ginia for an increase of the sum of One
Hundred Dollars to me in hand paid by John C
Turner of same County and State at or before the
enrolling and delivery of these presents hath bargained
and sold and by these presents doth bargain and sell
unto him the said John C Turner ^(his heirs or assigns) all my interest
in the Slaves belonging to the Estate of Edwin Reese
Jr. dec'd. now in the possession of his Widow Rebecca
Reese under the last Will and Testament of him
the said Edwin Reese Jr. dec'd. also all my interest
in the perishable Estate of all kinds at the death of
her the said Rebecca Reese Widow as aforesaid of Ed-
win Reese or at any division ^{of the Estate} that may occur previ-
ous to the death of her the said Rebecca Reese -
which Interest in the aforesaid property I derived
from the lawful marriage with the daughter of
the said Edwin Reese Jr. dec'd. which will more fully
show by the Will of him the S E Reese Jr. dec'd. The
title to the same I forever warrant and defend
against the Claim or demands of every person or
persons whatsoever In testimony whereof I do here-
unto set my hand and affix my seal this 17th
day of June 1843

Lewis Felts
In presence of
17 July 43
his
Lewi
Felts
Shaly
mark
Left hand Dea
James Turner

I Now all men by these presents that we John C Turner
are held and firmly bound unto Rebecca
Ruse in the just and full sum of five hundred dollars: to the payment whereof will &
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
day of 1844

The condition of the above obligation
is such that whereas the above named John C Turner hath obtained from the
Circuit Superior Court of Law and Chancery for Southampton County an Injunc-
tion to prevent the above named Rebecca Ruse her agents or attorneys & all others
concerned from removing or causing or permitting to be removed or sent out of
the limits of this Commonwealth slaves Jack. Patience. Cherry. George. Susan
Martha. Charlotte. Harriet. Collin. Nathan. Leonidia. Everett & James until
the further order of the Court. Now if the said John C Turner shall pay all
such costs and damages as may become to or against the said Rebecca Ruse or
either of the other defendants to the suit in which the injunction aforesaid was
awarded, in consequence of the said injunction then the above obligation to be void
or else to remain in full force.

Witness

John C Turner (Seal)
(Seal)
(Seal)

Southampton Circuit Superior Court. Clerk's Office Nov. 1845.

this day the above named

Security to the above bond being sworn both that he is worth the sum of five
hundred dollars the penalty of the said bond after the payment of all his just
debts.

Subscribed & Sworn to before me Clerk of the said Court this day of
1845.