

1847-033 SOUTHAMPTON COUNTY
CHANCERY PAPERS

TURNER et al vs. EDWARDS v ux val
3/1847

other surnames: Smith,
Newsom, Williamson, Center,
Wade, Rises, Porter, Gholson,
Rives,

Turner and others

as 3 Bills, and 1 account

Turner and others

June Court. 1845

Chas & Mays

1845 June. Bill filed & Order Sub

v. about 1845

" Oct. Deeds as filed

1846 Feby. Report.

" June. Deeds as filed

Checks for paid

Southampton

To the most honorable the County Court of Southampton
- Now in Chancery sitting.

Humbly complaining shew
unto your worships, your complainants, James Turner, and
Elihu Smith and Martha his wife formerly Turner - who are the
nephews and niece of Sarsell Turner being the children of
Temperance Turner a half sister of Sarsell - That the said
Sarsell Turner, (this uncle) departed this life in the year
1827. Seized in fee simple of a Tract of Land lying in the
County of Southampton, containing about 400 Acres, more
or less - He had arrived to the age of 21 years, and was, un-
married, intestate, and without issue, leaving, your
complaints, the ascendants of a half sister, and the following
other persons his heirs at Law - That is - ¹ Sally Musgrave
a sister of the whole blood - ² Benjamin Turner, and
James and Elizabeth Turner, children of Edmund Turner, the 1st
Benjamin and Edmund, being children of James Turner, brothers
of the half blood - ³ Mary Williamson, Charlotte (wife of
Nathan Center), Martha (wife of James T. Brad) Sterling Rises
Thomas Rises, James Rises, and John T, Son of James T Rises,
children of Patsella Rises formerly Turner, a sister of
the half blood - and ⁴ Ridly - Loeb, Charlotte,
Jacob T. and Nancy Porter children of Betty Porter, formerly
Turner another sister of the half-blood.

Your complainants further shew unto your worships -
That since the death of Sarsell Turner, his whole sister
Sally Musgrave has and, of full age, intestate, unmarried
and without issue, leaving all the persons here above
mentioned, as heirs of Sarsell Turner - her and her
at Law - and entitled to her real estate, which consists
solely, in his interest in Sarsell Turner, undivided, real
estate above ascribed -.

That Benjamin Turner has appointed this life intestate
leaving, the following children his heirs at Law, that is.

Benjamin, Edmund & William of full age - and Martha George, Zebulon and James, infants under 21 years.

That James Turner son of Edmund, has a wife, leaving his mother, Norcisa Edwards, (wife of Peter Edwards) and his sister Elizabeth Holson (wife of Robt. A. Holson) his only heirs at Law.

Your complaint further state the lands are not worth \$300 - as shown and must therefore be sold, under the Laws in such cases made and provided, for the purpose of effecting a division among those entitled. That Mary Williamson, Nathan Bentler and Charlotte his wife, James J. Wade and Martha his wife, Sterling Rises, Thomas Rises, James Rises and James J. Rises - children of Timothy Rises and Priscilla his wife formerly Priscilla Turner - Ridley, Joel, Charlotte, Jacob J. and Stanley Porter, children of Nathol Porter and Betsy his wife formerly Betsy Turner - are not residents of this Commonwealth but live in some of the other States of this Union, and known to your complaint.

In tender consideration of all which, and in as much as your complaint can without injury in the premises except in a court of Equity. To the END therefore that Justice may be done, they pray your worship to make - Peter Edwards and Norcisa his wife - Robert A. Holson and Elizabeth his wife - Benjamin, William, Edmund, Martha, George, Zebulon and James Turner, the last four of whom are infants, & some put and proper persons to appear there in this behalf - Mary Williamson and Nathan Bentler and Charlotte his wife, James J. Wade and Martha his wife, Sterling Rises, Thomas Rises, James Rises - James J. Rises - Ridley, Joel, Charlotte, Jacob J. and Stanley Porter defendants to this bill with apt and proper words to charge them, and compel them to answer it, fully and unreservedly.

That your wife appoint a law. to sell the Lands in the bill mentioned, in such terms, as shall be adjudged best, and decide the process according to Law and the rights of the parties. That an order of publication may be awarded against the absent defendants - That your wife award the least expense possible - commanding and give grant ^{your complaint} such other and general relief in the premises as Equity may require. as in and by law they will lawfully - May it please your worship

Chauncy D. Massena
for Complaint

The joint and separate answers of Peter Edwards & wife Robert A. Holson and wife Benjamin, William and Edmund Turner, to the foregoing bill exhibited against them in the County Court of Southampton by James Turner and others.

These defendants, separately and collectively saying and avowing unto themselves all just benefit of a Christian. For answer to the said bill, say that within the facts therein contained to be true, and have no objection to the decree which the Complaint seek to obtain - and having answered, pray to be heard as before with this bill.

The answer of Martha, George, Elizabeth and James Lewis, infants
of tender years by L. R. Edwards, their Guardian ad litem, specially
appointed to defend them in this suit, To the foregoing bill
of Complaints.

This apts. saying &c. for answer saith that he
knows nothing of the facts stated in the Complaints, but
has no reason to question their truth and accuracy. - He submits
the interest of the infant defendants, entirely to the discretion
and control of this Court and having answered frogs
to the same as aforesaid &c. -

At a Court held for the County of Southampton on the day of June 1845
James Turner and Etheldred Smith and Martha his wife formerly Turner
against

Peter Edwards and Nance his wife. Robert & Holson & Elizabeth his wife, Benjamin
William. Edmund Martha. George. Zebulon and James Turner ~~the last four of whom are~~
~~infants~~. Mary Williamson, Nathan Center & Charlotte his wife. James T Wade, &
Martha his wife. Sterling Rives. Thomas Rives. James Rives, James T Rives, Ridley.
Isol, Charlotte. Jacob T and Nancy Porter

The defendants Mary Williamson, Nathan Center and Charlotte his wife
James T Wade, and Martha his wife. Sterling Rives, Thomas Rives. James ^{Rives} & James
T Rives. and Ridley, Isol, Charlotte. Jacob T and Nancy Porter not having entered
their appearance and given security according to the Act of Assembly and the rules of this
Court and it appearing to the satisfaction of the Court that they are not inhabitants of
this County it is ordered that the said defendants do appear here on the first day of
October Term next and answer the bill of the plaintiffs 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

Turner et al.

vs. } Decree.

Turner et al.

1825 October Term

Debtors and others

Debtors

as

Debtors and others.

Debtors.

} In Chancery.

The defendants. Mary Williamson, Nathan Bent, and Charlotte his wife, James I. Wade and Martha his wife. Glesing, Thomas, James and James I. Rises, Rides, Loel, Charlotte. Jacob I. and Nancy Porter. who are out of this country and against whom the Plaintiffs appear to have process in the mode prescribed by Law against absent defendants, still failing to appear and answer an motion of the Plaintiffs by Counsel, the Court doth take this bill for confessed as to those defendants, and the cause coming on to be heard as to the other defendants, on the bill, their answers and exhibits, so as agreed by Counsel: On consideration whereof the Court doth adjudge order and decree. That Edwardo Butts, who is appointed a Comptroller for that purpose, after advertising the time and place of Sale, for one month by advertisement at the Court-House above, on some Court day - and at two or more places in the neighborhood of ~~the~~ Land - Sell, to the highest bidder, ^{at Jerusalem on} on a Credit of 12 months. (4000 Cash sufficient to pay the expenses of the Sale & of this suit) The Land of which I have seen a plan, lying in the County of Southampton, and containing 400 acres more or less - that the S^d Comptroller take Bonds and security of the purchaser, ~~in~~ ~~such~~ ~~for~~ ~~the~~ ~~purpose~~ ~~as~~ ~~he~~ ~~may~~ ~~see~~ ~~fit~~, make him a deed and Report his proceeds to Court in order to a further decree.

Turner & Co

to } Messrs Deane

Turner & Co

1846 Feb

Southampton County Court. October Term 1845.

James Turner & Etheldred Smith wife

Plffs

against

Peter Edwards & Maria his wife & others

Defts.

In Chancery

The defendants Mary Williamson, Nathan Center and Charlotte his wife, James T Wade and Martha his wife, Sterling Thomas, James & James T Rives, Ridley, Joel Charlotte, Jacob T. and Nancy Porter who are out of this country and against whom the plaintiffs appear to have proceeded in the mode prescribed by law against absent defendants still failing to appear and answer. On motion of the plaintiffs by Counsel the Court doth take their bill for confessed as to those defendants - and the cause coming on to be heard as to the other defendants on the bill their answers and exhibits was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that, Edwards Beatts who is appointed a Commissioner for that purpose, after advertising the time and place of Sale for one month by advertisement at the Courthouse door on some Court day and at two or more places in the neighbourhood of land - sell to the highest bidder at Jerusalem on some Court day on a credit of twelve months (except cash sufficient to defray the expenses of the Sale & of this suit) the land of which Jarrrell Turner died seized lying in the County of Southampton, and containing four hundred acres, more or less and that the said Commissioner take bond and security of the purchaser make him a deed and report his proceedings to Court in order to a final decree

Attest

Teste.

J R Edwards Clk

Mum & L. }
M. } for
Mum & L. } accu.

June Court. 1846.

Towns. and others

m.

Towns & others.

This day this cause came on to be
finished heard on the papers formerly read, and on the
Report of Edwards Beets, Made under a decree
from the court at October Term 1825: To which
Report there is no objection, and the Court con-
firming said Report with adjudge, or an order
that Edwards Beets, Plaintiff, shall and
the Bond of John T. Towne and others, filed in
this cause, amounting to \$361.97 and due 15th
December 1826 - and out of the proceeds pay to
James Towne the sum of \$37.70 - To Elizabeth
Smith and wife the sum of \$37.70, To Robert A.
Gibson and Elizabeth his wife \$28.27 To Peter
Edwards & wife \$9.42 To Benjamin, Towne,
William Towne, Edmund Towne, George
Towne, James Towne, (Gibson) Towne, Morsham
Towne each the sum of \$5.38 - To Mary
Williamson, Morsham Center & wife - James T. Wade
& wife, Shesling Riss, Thomas Riss, James Riss
& James T. Riss each the sum of \$16.15 - To
Ridley Porter, Joel Porter, Jacob Porter, John Porter,
John and Nancy Porter

~~John & Nancy Porter~~ each the sum
of \$19.62. - all the above named sums are
to carry interest from and after 15th December
1826 -

VIRGINIA—IN CHANCERY—At a Court held
for the county of Southampton, on the 16th day of
June, 1845:

James Turner and Etheldred Smith, and Martha
his wife, formerly Turner, Plffs.
against

Peter Edwards, and Narcessa his wife, Robert A.
Gholson, and Elizabeth his wife, Benjamin,
William, Edmund, Martha, George, Zebulon
and James Turner, Mary Williamson, Nathan
Center, and Charlotte his wife, James T. Wade
and Martha his wife, Sterling Rives, Thomas
Rives, James Rives, James T. Rives, and Rid-
ley, Joel, Charlotte, Jacob T. and Nancy Por-
ter, Dfts.

The defendants, Mary Williamson, Nathan Center,
and Charlotte his wife, James T. Wade, and Martha
his wife, Sterling Rives, Thomas Rives, James Rives
and James T. Rives, and Ridley, Joel, Charlotte, Jacob
T. and Nancy Porter, not having entered their appear-
ance and given security according to the act of Assem-
bly and the rules of this court, and it appearing to the
satisfaction of the court that they are not inhabitants of
this country: It is ordered, that the said defendants do
appear here on the first day of September term next,
and answer the bill of the plaintiffs; and that a copy of
this order be forthwith inserted in some newspaper pub-
lished in the town of Petersburg for two months suc-
cessively, and posted at the front door of the court
house of this county.

A copy—Teste,

L. R. EDWARDS, c. c.

By 15 w8w

TOWN OF PETERSBURG, TO-WIT:

Personally appeared before me, an Alderman of
said Town, *John D. Harwood* Clerk of
the Intelligencer Office, and made oath that the annexed
Order of Publication has been published weekly for
Eight weeks, successively. Given under my hand, this
9th day of *Sept* 1845

John Toward *Star*

Printer fee \$550 paid by M. Chambliss.

A. M. Chymer
J. D. Harwood

Received Dec. 13/1845 of E. B. Bull's Com. the sum of \$2.³⁹/₁₀₀ clerk's fee for sale of the
land of J. and Turner's land - also two dollars & fifty cents for writing deed -

J. R. Edwards c/o

\$ 2.38
2.50
\$ 4.88.

Various Bulls

To Chantley & Proprietary Dr.

To freight received to sell South Sea Island \$10.00

To Cash paid for owner of Port:

5.50

\$15.50

Dec. 15/1845 Paid J. E. Bulls Cash the above
fifteen dollars & fifty cents.

Chantley & Proprietary

Recd Nov. 15/1845 of Edward Butts Comr. to sell
Saml Inman's land one dollar for selling 1st
land

William Davis

James Linn of 2^a and -

R. A. Johnson is entitled to $\frac{1}{2}$ of $\frac{1}{12}$ to $\frac{1}{32}$ of $\frac{1}{3}$ + to $\frac{1}{2}$ of $\frac{1}{32}$ of $\frac{1}{3}$ ~~to~~ $\frac{1}{2}$ of $\frac{1}{12}$ of $\frac{1}{12}$

Peter Edwards $\frac{1}{2}$ of $\frac{1}{2}$ of $\frac{1}{12}$ + to $\frac{1}{2}$ of $\frac{1}{32}$ of $\frac{1}{3}$

Benj Linn $\frac{1}{7}$ of $\frac{1}{12}$ + $\frac{1}{7}$ of $\frac{1}{16}$ of $\frac{1}{3}$

Wm as

2^a as

Geo as

James as

Indyenne as

Martha as.

Mary Williamson $\frac{1}{7}$ of $\frac{1}{16}$ + $\frac{1}{16}$ of $\frac{1}{3}$

#361.97.

Nov 03/1865.

Received March 15. 1847 of the Clerk of Southampton County the bond of John T. Powell
for \$201. 97/100 due Decr. 15. Decr. 1846

E. Reilly

By virtue of a decree of the county Court of Southampton pronounced Court 1845 and to me directed, which decree is hereto annexed. and after advertising the time and place of sale according to directions, did on Monday the 15th day of December 1845. (being Court day) before the Courthouse door in the Town of Jerusalem, sell to the highest bidder on a credit of twelve months, the Land in the decree mentioned, and John J. Powell become the purchaser, being the highest bid made, for the sum of four hundred dollars and thirty five cents, and after deducting all legal exp^{ts}, the said Powell executed his bond with Henry Moore and Nathan et. Thomas as his securities for the sum of three hundred and sixty one dollars and ninety seven cents, which bond is herewith returned with this report, I executed a deed to the said Powell for the Land.

Sale of Land Turner decd Land to		
John J. Powell for		\$400.35
Commissions on \$300.	\$15.00	
ditto on 100.35	2.00	
Paid Chamberl ⁿ & Maffenberg		
for publication	15.50	
Paid S. R. Edwards for executing deed	4.88	
Paid W. Davis Cryer	1.00	
		\$38.38
		\$361.97
John J. Powell other bond herewith returned		\$361.97

all of which is respectfully submitted to the Court.

Edw. B. Bull & Son.

Janile

Suppose

\$100-

1 Sally Munson is entitled to 2/6-

\$33.33

1/6

James (Jumpy)
Smith & wife

1/12 8.33 ~~16.66~~
1/12 8.33 ~~16.67~~

16.67
~~33.33~~

1/6 of 1/3 2.07
as

2.07
~~4.14~~
~~16.67~~
21.01

1/6

James (Eman) 1/2 of 1/12 & 1/24 ~~8.33~~ 2.16

1/32 - 1/3 1.04

Elizabeth ao ~~8.33~~ 2.16

1/32 - 1/13

1.04
~~2.08~~

Bess Linn 1/7 of 1/12 ~~2.38~~ 1.69 10.40

1/7 of 1/10 of 1/3

.29

1/6

Ann ao ~~2.38~~ "

.29

James ao ~~2.38~~ "

" .29

George ao ~~2.38~~ "

" .29

James ao ~~2.38~~ "

" .29

Elizabeth ao ~~2.38~~ "

" .29

Mother ao ~~2.38~~ "

8.33
2.03
10.36

16.66
~~2.03~~ 18.69
~~33.33~~

.29
~~2.03~~

4-

May Wynn

1/7 of 1/6 2.38

1/16 - 2/3

2.07

1/6

Leah ao "

2.07

Wade ao "

"

Henry ao "

"

"

Thomas ao "

"

"

James ao "

"

"

James J ao "

16.66
14.49
31.15-

14.49

5-

Ridley Poston 1/5 of 1/6-

3.33

1/16 of 1/3

2.07

1/6

Loel "

"

"

Jacob "

"

"

Charlotte "

"

"

Nancy "

"

16.67
10.35
26.92

10.35
14.49
2.03
2.08
4.14
33.09

Sarrel Turner died in 1827. - 400 acres land, intestate. his
heirs at Law were -

- 1st Sally Atkinson, sister of the whole blood, since accompanying
the following her heirs at Law viz:
- 2- James Turner, and Ethel Smith & Martha his wife - children
of Humphreys Turner - a sister of the half blood.
- 3-
 - ¹ James Turner, and Elizabeth (Gibson) child of Edmund
Turner, son of James, a brother of half blood -
 - ² Benjⁿ Turner. son of said Turner. (Dead - living - Benjⁿ
William & Edmund of full age - & Martha, George Gibson & James - infants -
4. Mary Williamson, Charlotte (Nathan Carter wife) Martha
(James I. Braden wife) - all formerly slaves. Charles Rives, Tho^s
Rives - James Rives - and Geo I Rives son James I - and
~~James I. Braden & wife Martha~~ (both formerly slaves)
Children of Ursula Turner - a sister of the 1/2 blood.
- 5- Realy - Fort. Charlotte, Jacob I - and Nancy Porter.
Children of Billy Porter & his husband Nathaniel -
she was a sister of the half blood.