1853-012 SOUTHAMPTON COUNTY CHANCERY PAPERS TURNER, GUARDIAN VS. TURNER + al
S/1853

other SURNAMES: Sewell,
Harris, Claud

35

Turner

re } Papers

Turners

1853 May Term

Colks // 8.33

Skff 1.50

Lawr 15.75

// 25.58

Turner

= Stat: Rules

Turners

Edward J Turner

against

Edward J Turner, Rebecca A & Euphemia Turner and Henry Sewell & Eleanor his wife.

1852 Sept. 21st Summons issued returnable to October Rules

" Oct. R. Summ. Executed on all but Sewell & Wife. they non residents - Bill filed James Harris appointed Gdn. ad litem to Edw. J. Turner - answ. of E.J. Turner in person Nov. gdn. and of Rebecca A. & Euphemia Turner. Gen. Rep. to answ. insuff

" Nov. R. Cause set for hearing as to Defts. E.J. Turner. Rebecca A. & Euphemia Turner

" Nov. T. Decree for Sale &c.

1853 Jany 17 Report

" May T. Decree &c.

Turners Bon

v } Bill.

Turners

1852 October Rules

Cir: Court

Turner

vs: Bill

Turner &c

To the Honorable Richard H. Baker Judge
of the circuit court for Southampton County

Humbly complaining
sheweth unto your Honor, your orator Edward
P. Turner guardian of Edward J. Turner that his brother Thomas S. Turner of
this county departed this life in the year 1849
after making his will which has been admitted
to record in the clerks office of the county
court, a copy of which is herewith filed
and prayed to be taken as a part of this bill
That the deceased left a widow Rebecca A. Turner
and three children Eleanor, Euphemia, and
Edward J. Turner all under the age of 21 years
and that he qualified as their guardian
That Eleanor Turner has since married Henry
Sewell & Euphemia has arrived to 21 years.
That his ward Edward J. Turner (who is above
the age of fourteen) in the division of his
fathers land, had allotted to him 175 acres
without any improvements thereon and which
rents for only $30 or $35 per annum. Your
orator alleges that it will be greatly to the
interest of his ward for this land to be
sold as it will now command a good
price, and by selling it, thereby prevent a
sale of his negroes in order to appropriate the
proceeds in completing his education so
much desired by his deceased father. That Rebecca
A. and Euphemia Turner and Henry Sewell & his
wife Eleanor are his next of kin and heirs at Law
That his ward has only Four slaves of the value of $1600 besides this
and is in debt to his guardian several hundred dollars & has no other property
land. In tender consideration whereof and
in as much as your orator is remediless at Law
and only relievable in a court of Equity to

the end that Edward J. Turner by James Harris his guardian ad litem Rebecca A. & Euphemia Turner and Henry Sewell and Eleanor his wife may be made parties to this bill and true answers make to the allegations, and that your Honor will decree a sale of this land and grant him such other general and special relief as Equity dictates and the nature of his case requires and as in duty bound he will ever pray &c.

Prima for Compltt.

Southampton County

This day Edward P. Turner personally appeared before me Howell Harris - a justice of the peace for said county and made oath, that the allegations contained in said bill are True so far as he knows or believes. Given under my hand This 30th day of Sept. 1852.

Howell Harris J.P.

Turners Gr.

& 3 Ans.

Turners.

1852 October Rules

annuus of
E. J. Sumner
&
James Harris

an Infant above the age of fourteen years

The answer of Edward J. Turner to a bill of complaint exhibited against him by Edward P. Turner.

This defendant says that he believes the allegations in said bill are true, and does not object to the decree prayed for.

Sworn to before me a justice of the peace. Given under my hand the 30th day of Sept: 1852.

Howell Harris J. P.

The answer of James Harris guardian ad litem for Edward J. Turner.

This defendant says that he believes the facts stated in said bill are true & believes Edward J. Turner will be greatly benefitted by a sale of his land.

Sworn to before me a justice of the peace. Given under my hand This 30th day of Sept. 1852.

Howell Harris J. P.

Answers of
Rebecca A &
Euphemia
Jones.

1852 Oct. Rules

The joint answer of Rebecca A. & Euphemia Turner.

These defendants ~~against~~ the allegations contained in the bill and do not object to the decree prayed for. & having answered pray hence to be dismissed.

Rebecca A. Turner.

Euphemia F. Turner

Sept. 30th 1852.

The answer of J Henry Sewell & Eleanor his wife
This defendant saving &c for answer says that he
admits the allegations of the bill & does not object
to the same being so & having answered prays he may
to be dismissed &c

Prince for Sewell

Turner
vs
Pierce.
Turner

To be entered
R. H. Baker
Nov. 10. 52

Turner

vs Decree

Turners

This day this cause came on to be heard on the bill, answers, exhibit and examination of witnesses and was argued by counsel. On consideration whereof the court doth adjudge, order, and decree that Edward P. Turner who is appointed a commissioner for that purpose, sell the land (175 acres) of the defendant Edward J. Turner in the bill mentioned either publicly or privately; provided it sells for ~~not~~ less than one thousand dollars upon a credit of 8 & 12 months, equal instalments; ~~on half cash & the balance due in~~ taking bonds with sufficient security for the purchase money ~~12 months~~ bearing interest from the date and ~~report the same to the court~~ ~~with good security~~ and retain the title till the purchase money is paid, and report to court in order for a final decree. when the said bonds

Turner's Guardian

vs. } Note for Dec'd

Turner &c

Enter Thos Deere

R. H. Baker

May Co. '53

Turner's Guardian

vs:

Turner

This day this cause came on to be again heard on the papers formerly read, and on the report of Commissioner Turner, made in pursuance of a decree rendered in this cause at Nov: Term 1852, to which report there is no exception, and the court confirming the same doth adjudge, order and decree that Edward P. Turner Guardian to Edward J. Turner receive from the clerk of this court (who is hereby required to deliver the same) the bonds returned with said report executed by Thomas B. Pawell and Joseph T. Pawell for the sum of $500 dollars each dated 1st day of December 1852 one and six months after date and the other twelve months and when and collect the same and pay the costs of this suit & expenses of sale, and loan out the balance on bond with good security real and personal, or invest it in Bank Stocks bearing interest and the court doth further adjudge, order and decree that on the payment of the said bonds the said Commissioner shall execute a deed to the said purchaser for the said land with special warranty. but the said Turner shall not execute any portion of this decree until he enter into bond with good security in the clerks office of this court payable to the Commonwealth of Virginia in the penalty of $2000. conditioned according to Law.

Turners

vs Sup: Ct

Turners

1852 October Rules

Executed on all
but Henry Lovell
& Eleanor his wife
they not Residents of my County
by Joshua Shelton
Dep'y of Q Kello
Sheff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon E. J. Turner Rebecca A. J. Euphemia Turner Henry Bundy & Eleanor his wife

to appear at the Clerk's Office of our Circuit ~~Superior~~ Court of ~~Law and Chancery for~~ the County of Southampton, at the Rules to be holden for the said Court on the first Monday in October next, to answer a Bill in Chancery exhibited against them in the said Court by

Edward B. Turner

~~And unless shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this shall in no wise omit, under the penalty of £100.~~ And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the 21st day of September 1852, in the 77th year of the Commonwealth.

L R Edwards Cle

[*One Copy to be delivered each Defendant.*]

The foregoing depositions were taken, sworn to, and subscribed at the time and place mentioned in the caption, before me a justice for the county of Southampton. Given under my hand this 26th Oct: 1852.

S. W. Lane J. P.

Turner &c
vs
Deposition
Turners

Came to hand sealed October 27
1852.

B.R.E

The depositions of H. Harris and E. B. Eland taken the 2[illegible] October 1852 at the store of Lewis Harris in the County of Southampton, to be read as evidence in a suit now pending in the Cir: Court of Southampton County in which Edward P. Turner is plaintiff and Edward J. Turner & others are defendants. Taken at the instance of the plaintiff in the presence of James Harris the guardian ad litem of E. J. Turner.

The deponents being duly sworn on the Holy Evangelists, depose & say as follows.

Question by pltff: Were you one of the Commissioners in the division of Thos. S. Turner's lands?

answer We were.

Question. Please state the situation of the land of Edward J. Turner, and whether it would be desirable or proper for the said Turner to settle on this land?

answer. The piece of land drawn by Edward J. Turner of one hundred seventy five acres. was the middle lot without improvement except a log cabin, and owing to its situation it would not be desirable or proper for him to settle upon it.

Question. How much does this land rent for annually?

answer - Thirty or thirty five dollars.

Question. What price do you suppose this land would now command in market if sold?

answer. $1000.

Howell Harris

E B Eland

Sale of
Edward G Turners
Lands
Dec 1/1852

1853 Jany 17th Ret'd

Agreeable to the above annexed Decree, I proceeded on the 1st day of December 1852 to sell the Land belonging to Edward I Turner, as followers

175 Acres of Land	To Thomas B Powell, $1000.

The above amount is taken in two bonds of $500. each, One bond dated December the 1st 1852 one Six Months after date with interest from date, the Other bond dated the same time, one twelve months after date, with interest from date,

The bonds accompany this report,

all of which is respectfully submitted

Edward P Turner Commissioner

and Guardian to Edw'd I Turner.

Fumer

vs 3 Decr

Fumer

In Southampton Circuit Court, November 9th, 1852.

Edward S. Turner Plff

against

Edward J. Turner, Rebecca A & Euphemia Turner
and Henry Sewell & Eleanor his wife Defts

In Chy

This day this cause came on to be heard on the bill answers, exhibit and examination of witnesses & was argued by Counsel: On consideration whereof the Court doth adjudge, order and decree that Edward S. Turner, who is appointed a Commissioner for that purpose, sell the land (175 acres) of the defendant Edward J. Turner in the bill mentioned, either publicly or privately, provided it sells for one thousand dollars, upon a credit of twelve months equal instalments taking bonds with sufficient security for purchase money bearing interest from the date and that he retain the title till the purchase money is paid and return the said bonds & report to Court in order for a final decree

A Copy

Teste.

Henry A. Howard, D.C.

Will

Turners gr.

to } Eschbs. with bill

Turners

I Thomas S. Turner, of the County of Southampton Virginia. do ordain and establish this following as my last Will and Testament.

In the first place I direct all my just debts to be paid.

Item. After the payment of my debts I devise and bequeath the whole of my estate, real and personal to my wife Rebecca, and my three children in fee simple, to be equally divided between them. But as it may be to the interest of my estate that my land should be sold and not divided. I hereby invest my executor with authority to sell it, if in his discretion, he thinks it best to do so. and in that event I direct that the proceeds thereof shall be divided as above.

Item. I appoint my brother Edward P Turner guardian to my children, and I request and direct him to have my son Edward Joseph educated to the profession of law or medicine, whichever my son may choose: if however it shall be thought best not to educate my son for either of the above professions, then I direct that he shall receive such an education as his guardian shall think best, provided that in any event he shall be well educated; and to this end I empower his guardian to expend the whole or any portion of the principal and interest of my sons estate that may be necessary—

Item. In the event of any of my children dying unmarried and under age. I direct that their portions of my estate shall go to my surviving child or children in equal proportions.

Item. The authority conferred on my executor to sell my land is intended to authorize him to sell the same at such time, on such terms and in such manner as he shall think best, provided that the discretion to sell be exercised in a reasonable time after my death. In the mean time my land is to be enjoyed by my wife and my children for their equal benefit. But my said executor shall not sell my land unless my wife shall consent to the sale of it. In the event of my executor dying before selling my land I direct that it be not sold, but be divided as directed in the first part of this will.

Item. I appoint my brother Edward P. Turner Executor to this my last Will and Testament and desire that the Court shall not require security of him.—

In testimony whereof I hereto set my hand and Seal this 10th day of April 1849.

Thomas S. Turner (Seal)

Acknowledged before us by the testator and subscribed by us in

3

his presence and at his request.

Orris A Browne

Joseph H Prince

Jo^{s}. Turner

At a Court held for the County of Southampton on the 16th day of July 1849.

This last will and testament of Thomas P Turner dec^{d} was proved by the oath of Jo^{s}. Turner and Jo^{s} H Prince two of the subscribing witnesses thereto and ordered to be recorded. And on the motion of Edward P Turner the Executor therein named who made oath and gave bond ~~and Security~~ according to Law certificate is granted him for obtaining a probat of the said will in due form - the will directing that no Security should be given and the Court requiring none.

Teste. L R Edwards cc

A Copy

Teste. L R Edwards cc

Turner

to

Bond

Commonwealth

KNOW ALL MEN BY THESE PRESENTS, That we Edward P. Turner & Peter Edwards

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of two thousand Dollars, for the payment of which, well and truly to be made, we bind ourselves, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 18th day of July, 1853

The Condition of the above Obligation is such, That whereas the above bound Edward P. Turner guardian Edmund J. Turner has by a Decree of the Circuit Court of Southampton County pronounced on the 3rd day of May 1853, in a cause therein pending wherein Edward P. Turner Plaintiff and Edward J. Turner & others Defendants, ~~been appointed Commissioner to make sale of certain~~ authorized to receive from Peter Clark of said Court a certain bond in said decree. Estate in ~~the said cause~~ described.—Now if the said Edward P. Turner shall faithfully discharge his duties ~~as such Commissioner~~ under said decree, then this obligation to be void, else to remain in full force and virtue.

Signed, Sealed, and delivered in presence of

Edward P Turner L.S.

Peter Edwards L.S.

L.S.

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