

1854-004 SOUTHAMPTON COUNTY  
CHANCERY PAPERS

ELLSWORTH and Wife

VS. TURNER'S ADM'R. etc  
S/1854

other SURNAMES: Vick,  
Cutler, Gurley, Worrell

Ellsworth & wife

v. } Papers

Turners now by?

1854 May Term

|              |   |       |
|--------------|---|-------|
| Relief       | 8 | 6.45  |
| Diff. . . .  |   | 4.00  |
| Comm.        |   | 12.00 |
| Land fee &c. |   | 15.75 |
|              |   | <hr/> |
|              |   | 38.20 |

Ellsworth & Wife

v. } Stat. Rules

Turners adm &c

John H Ellsworth & Elizabeth his wife formerly Elizabeth Vick orphan of  
Ezra Vick.

against  
John M Burley admr: John C Turner dec<sup>d</sup> Thomas B Worrell admr: of Matthew  
Vick dec<sup>d</sup> & Wm Cutler

1853 Feby 28<sup>th</sup> Summons issued.

" Mar. R. Sum<sup>t</sup> ret<sup>d</sup> Ex<sup>o</sup> Bill filed & decree nisi v. Defts.

" Apr. " (1<sup>st</sup> Monday) Bill taken for confessed.

" " " (last Monday) Cause set for hearing &c.

" May T. Decree for account.

Ellsworth & wife  
do  
Turner, Adm? } Bill

1853 March Rules

To the Hon. Richard H Baker Judge of the Circuit Court for  
the County of Southampton

Humbly complaining shew unto your Honor your  
complainants John H Ellsworth and Elizabeth his wife for-  
merly Elizabeth Lick of Exum Lick, that in the year  
1837 at the November term of the County Court of Southamp-  
ton John C Turner was appointed guardian of your female  
complainant and gave bond in the penalty of \$1000 with  
William Cutler and Matthew Lick his securities, as will  
appear by a copy of said bond herewith filed marked (A)  
and prayed to be taken as a part of this bill - That the said  
John C Turner continued to act as guardian according to  
his appointment until the intermarriage of your complain-  
ants in the year 1849 during which time he received  
large sums of money belonging to your female com-  
plainant, (particularly the sum of about \$300 from the Com-  
missioners for the sale of the land of Marspout Lick ap-  
pointed under a decree of the County Court of Southamp-  
ton, entered at the February term 1836) which he used  
improvidently, and returned no account of his transactions  
according to the act of assembly; in fact he made no return  
at all - That in the year 1851 the said John C Turner died in-  
testate without having any settlement with your  
complainants, and at the term of the County Court of  
Southampton John M Surber qualified as his adminis-  
trator and gave bond and security according to law - That  
in the year the said Matthew Lick died intestate and at  
the term of the County Court of Southampton Thomas  
B. Bonner qualified as his administrator - That the estate  
of the said John C Turner is largely indebted to your Com-  
plainants and that they have in a friendly manner  
requested the said John M Surber administrator as afore-  
said to settle the guardians account of his intestate and pay  
over the balance due, but he has neglected and refused to com-

ply with their reasonable demand - In tender consideration of all which, and in as much as your Complainants are without remedy except in a Court of Equity, To the end therefore that justice may be done, they pray your Honor to make John M Gurley administrator of John C Turner, Thos B Womack administrator of Matthew Vick and William Cutler Defendants to this bill, with apt and proper words to charge them and compel them to answer the same fully and unreservedly. That John M Gurley may be compelled to return before a Commissioner of this Court an account of the transactions of his intestate as guardian to your female complainants, and that your Honor will decree the balance which may be due on said account to be paid to your complainants. Your Complainants pray your Honor to grant them the common writ of *off. de. commando. &c.* and grant such other and general relief the premises considered as Equity may dictate consistent with the rules of this Court, and as in duty bound they will ever pray &c.

John Hellsen & Elizabeth his wife  
by Charles Wapenburg  
attys

Worcester's wife  
to  
Turner's Adm.  
June

To be entered  
R. H. Baker  
May Co. Co.

Ellsworth & wife

vs

} Deem.

Turner admr?

The bill of the complainants having been taken for confessed as the Rules as to the Defendants John M. Suley admr? of John C. Turner, Thomas B. Brown admr? of Matthew Vick, and Wm. Curtis and the said Defendants still failing to appear and answer the said bill, the cause came on to be heard on the bill of the complainants and exhibits therewith filed and was argued by counsel on consideration whereof the Court doth adjudge order and decree that a Commissioner of this Court <sup>take</sup> ~~state, audit and report to the Court~~ an account of the transactions of John C. Turner as guardian of Elizabeth Ellsworth formerly Elizabeth Vick with any matters specially stated deemed pertinent by himself or which ~~he may be required so to state by any of the parties~~ the following accounts viz:

1. An account of the transactions of John C. Turner as guardian of Elizabeth Ellsworth formerly Elizabeth Vick,
2. An account of the transactions of John M. Suley as admr? of John C. Turner deceased.
3. An account of Thos. B. Brown's transactions as admr? of Matthew Vick Decd. in as far as will admit of satisfaction to pay the plffs. demand.

Which accounts the Commissioner is directed to state, audit and report to the Court together with any matter deemed pertinent by himself or required by the parties to be so stated.

Elbenthams  
i 3 Copy Deane  
Lumen, adn: oc

July 18<sup>th</sup> 1853

In Southampton Circuit Court, May term, 1853

John N. Ellsworth & Elizabeth his wife formerly Elizabeth  
Vick orphan of Exr<sup>t</sup> Vick Plffs

against

John M. Guley admor John C. Turner dec<sup>d</sup> Thomas B. Worrell  
admor of Matthew Vick & W<sup>m</sup> Cutler Dfts.

The bill of the complainants having been taken for  
comp<sup>o</sup>sed at rules as to the defendants, John M. Guley admor of  
John C. Turner, Thomas B. Worrell, admor of Matthew Vick and  
W<sup>m</sup> Cutler and the said defendants still failing to appear  
and answer the said bill, the cause came on to be heard on  
the bill of the complainants and exhibits therewith filed  
and was argued by counsel, On consideration whereof,  
The Court doth adjudge, order and decree that a Commis-  
sioner of this Court take the following accounts viz:  
1 An account of the transactions of John C. Turner  
as guardian of Elizabeth Ellsworth formerly  
Elizabeth Vick.  
2 An account of the transactions of John M. Guley  
as admor of John C. Turner dec<sup>d</sup>.  
3. An account of Thomas B. Worrell's transactions as  
administrator of Matthew Vick dec<sup>d</sup>. unless he will ad-  
mit assets sufficient to pay the plaintiffs demand. which  
accounts the Commissioner is directed to state, audit,  
and report to this Court together with any  
matters deemed pertinent by himself or re-  
quired by the parties to be so stated.

A Copy,

teste,

Nearry S. Howard, C. C.

Elsmuth & wife -

no.

{ note for  
acres

James abn.

May Term 1854 -

1854 May Term



Ellen with Mr. Tamm.

Statement.

(A)

To G. Lumm. Genl. To Elizabeth Will - his Ma. a.

Dr.

To Bal. am pr. cows. Reptd. on 12 April 1850 -

\$58.09.

To 1/2 least & int. recd. on 1<sup>st</sup> day of May 1837.

To 1/2 5. 3<sup>rd</sup> 18.45--

86.16

\$ 144.25-

SUMMONS.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Southampton* County, GREETING:

YOU are hereby commanded to summon

*Jno. M. Guley; admr. of  
John C. Turner, Thomas B. Worrell admr. of  
Matthew Vick, & W<sup>m</sup> Cutler*

if *they* be found within your Bailiwick, to appear at the Clerk's office of our Circuit  
court for Southampton County, at the Rules to be holden for the said Court, on the first  
Monday in *March* next, to answer a bill in Chancery ex  
-hibited against them in the said Court by  
*Jno. N. Ellsworth & Elizabeth his wife*

And have then there this writ. Witness L. R. Edwards, Clerk of our said Court, at  
the office aforesaid, this *28<sup>th</sup>* day of *February* 1853, in the *77*th year of our  
foundation.

*L. R. Edwards, C. C.*

Executed on W<sup>m</sup> Cutler the 2<sup>d</sup> March 1853 Thomas  
B. Merrill the 3<sup>d</sup> March 1853 & John M.  
Gurley 1853 by delivering each a copy

C. D. Jones Deputy  
S. Wells Sheriff

Ellsworth & wife  
3 July 2  
Tuncis adm<sup>r</sup> of

To March Rules 1853

John H Ellsworth and Elizabeth his wife, John M Gurley  
admr: of John C Turner, Thomas B Worrell admr: of Matthew  
Dick and William Cutton

The above named parties are notified, that pursuant to  
a decree of the Circuit Court for the County of Southampton, en-  
-tered at May Term 1853, the undersigned Commissioner has ap-  
-pointed the 18<sup>th</sup> day of July next, at his office in Jerusalem, for  
the purpose of taking the several accounts therein required.  
At which time and place, the said parties are required to attend  
with the necessary papers and evidence

M. S. Goodwyn, Commr:

June 1853-

Ellsworth & wife

5 } Cour. Report

Turners advr:

1853 Aug. 15<sup>th</sup>

Elizabeth Vick, a minor

1837 In account with John C. Lerner - Guardian

|          |                                                     | Dr.    | Cr.       |  |
|----------|-----------------------------------------------------|--------|-----------|--|
|          | By amt recd. by the guardian                        |        | 148 00    |  |
|          | To Commission on some                               | 7 40   |           |  |
|          | " amt paid Benj Stearns - tuition                   | 12 27  |           |  |
| Decr: 31 | By bal: due the word                                | 128 33 |           |  |
|          |                                                     | 148 00 | 148 00    |  |
| 1840     | By bal: due the word brot down                      |        | 128 33    |  |
|          | " Interest on some to 31 <sup>st</sup> Decr: 1839 - |        | 15 85     |  |
|          | To Commission on some                               | " 79   |           |  |
|          | " amt paid S. R. Strong                             | 14 43  |           |  |
|          | By bal: due the word                                | 128 96 |           |  |
|          |                                                     | 144 18 | 144 18    |  |
| 1841     | By bal: due the word brot down                      |        | 128 96    |  |
|          | " Interest thereon one year                         |        | 7 73      |  |
|          | To amt Commission on some                           | " 38   |           |  |
|          | " " paid S. L. Williams                             | 6 30   |           |  |
| Decr: 31 | By bal: due the word                                | 129 81 |           |  |
|          |                                                     | 136 69 | 136 69    |  |
| 1843-    | By bal: due brot down                               |        | 129 81    |  |
|          | " Interest thereon to 31 <sup>st</sup> Decr: 1842   |        | 16 03     |  |
|          | To amt Commission on some                           | " 80   |           |  |
|          | " " paid S. P. Nicholson - med. fee                 | 3 00   |           |  |
|          | " " " B. E. & H. P. Pope                            | 10 55  |           |  |
| Decr: 31 | By bal: due the word                                | 131 49 |           |  |
|          |                                                     | 145 84 | 145 84    |  |
| 1844     | By bal: due brot down                               |        | 131 49    |  |
|          | " Interest thereon one year                         |        | 7 88      |  |
|          | To Commission on some                               | " 39   |           |  |
|          | " amt paid J. H. Dardus                             | 1 25   |           |  |
|          | " " " B. E. & H. P. Pope                            | 7 04   |           |  |
| Decr: 31 | By bal: due the word                                | 130 69 |           |  |
|          |                                                     | 139 37 | 139 37    |  |
| 1845-    | By bal: due brot down                               |        | 130 69    |  |
|          | " Interest thereon one year                         |        | 7 84      |  |
|          | Car: forward                                        |        | \$ 138 53 |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   |                                                         |         |          |        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---------------------------------------------------------|---------|----------|--------|
| 1845-                                                                                                                                                                                                                                                                                                                                                                                                                                        |   | Ant brot from us                                        |         |          | 138 53 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | To Commission on Ant recd:                              | "       | 39       |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | " ant paid B. E. & H. P. Pope                           |         | 2 88     |        |
| Sept 16                                                                                                                                                                                                                                                                                                                                                                                                                                      | " | " " " word as p: receipt                                |         | 12 00    |        |
| Decr: 31                                                                                                                                                                                                                                                                                                                                                                                                                                     |   | By bal: due the word                                    |         | 123 26   |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   |                                                         |         | 138 53   | 138 53 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | By bal: due brot down                                   |         | 123 26   |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | " Interest thence to July 15 <sup>th</sup> 1847         |         | 8 30     |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   |                                                         |         | 131 56   |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | Ant paid J. H. Ellsworth - July 15 <sup>th</sup> 1847 - |         | 30 00    |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | Bal. due                                                |         | 81 56    |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | Interest thence to 29 <sup>th</sup> Jan. 1848           |         | 21 69    |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | Bal. due                                                |         | 86 25    |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | Ant paid J. H. Ellsworth - Jan 29 <sup>th</sup> 1848    |         | 13 50    |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | Bal. due                                                |         | 70 75    |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | Interest thence to April 12 <sup>th</sup> 1850          |         | 9 34     |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | Bal. due                                                |         | 80 09    |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | Ant paid J. H. Ellsworth - April 12 <sup>th</sup> 1850  |         | 10 00    |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   |                                                         |         | 70 09    |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | Cour: fee reserved -                                    |         | 12 00    |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | Bal. due with int from April 12 <sup>th</sup> 1850      |         | \$ 38 09 |        |
| <p>It appears that the guardianship terminated in 1845; in Sept of which year, a payment was made to the word in part of bal: - and subsequently other payments were made to J. H. Ellsworth, who intermarried with the word, an account of which is stated above -</p> <p>The Commissioner further reports that John M. Gurley admr. J. C. Turner admits facts of his testator, in his hands sufficient to meet the plaintiffs demand -</p> |   |                                                         |         |          |        |
| <p>Respectfully Submitted<br/>W. S. Goodwyns Comr</p>                                                                                                                                                                                                                                                                                                                                                                                        |   |                                                         |         |          |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | Cour: fee -                                             | \$12.00 | 3        |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | reserved in acct: -                                     |         | 3        |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | Chffs: fee -                                            | 2.50    | 3        |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | Cour: -                                                 |         | 3        |        |

Ellsworth Judge

& }

Turners adv. for

Filed with bill

Southampton County Court - November 20<sup>th</sup> 1843.

On the motion of Thomas B Worrell who made oath and together with Robert S Barnes and Lewis Worrell his securities entered into and acknowledged a bond in the penalty of four thousand dollars conditioned as the law directs certificate is granted him for obtaining letters of administration on the estate of Matthew Vick dec<sup>d</sup>. in due form -

Attest

Teste. L R Edwards Clk

Southampton County Court November 17<sup>th</sup> 1851

On the motion of John M Gurley who made oath and gave bond and security according to law certificate is granted him for obtaining letters of administration on the estate of John C Turner dec<sup>d</sup>. in due form.

Attest

Teste. L R Edwards Clk

Ellenorth Grange  
~ } Exhibit

Turner as x<sup>2</sup>

Know all men by these presents that we John C. Turner, William W. Butler and Matthew Vick are held and firmly bound unto James D. Maysburg, Thomas Ridley Jr. Nathaniel S. Williams and Edwin B. Glend Gentlemen Justices of the Peace for Southampton County now sitting in the sum of One thousand dollars: to the payment whereof well and truly to be made unto the said Justices and their successors, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 20<sup>th</sup> day of November 1837.

The Condition of the above obligation is, that if the above bound John C. Turner his Executors and administrators shall well and truly pay and deliver unto Elizabeth Vick orphan of Ezra Vick deceased, all such estate or estates as now is, or are or hereafter shall appear to be due to the said orphan when and as soon as she shall attain to lawful age, or when thereto required by the Justices of the said Court: and also keep harmless the above named Justices and their and every of their heirs executors and administrators from all trouble and damages which shall or may arise about the said estate: then the above obligation to be void, or else to remain in full force and virtue.

Signed sealed & delivered in  
the presence of the Court }

John C. Turner (seal)

Wm W. Butler (seal)

Matthew <sup>his</sup> Vick (seal)  
mak.

Attest.

Teste.

J. R. Edwards