

1856-015 SOUTHAMPTON COUNTY
CHANCERY PAPERS

POWELL and Wife et al vs. TURNER ^{val}

7/1856

June

as.

June

June.

See June 1852.

1852 Dec. Dec. as filed &

1855 Dec. Rept.

1856 Feb. Rept. Confm. L.

" June. Report.

" July - " Confm.?

To the worshipful. county court of Southampton
in chancery sitting,

Humbly complaining shew unto
your worships, your complainants, Harris Powell and
Sarah his wife, Jaqueline, H. Peter and Lett B.
Tanner. children of John C. Tanner. That they, together
with their infant brothers and sisters, Franklin,
Leonida, Mary E. Martha C. and Leannias Tanner
~~and~~ and equally entitled to a tract of
Land, lying in Southampton, seized from their
Father John C. Tanner. containing 700 acres, subject
to the power of their Mother Mary Tanner which
has been already assigned her. That they
desire a partition of the Land, in order to get
their respective shares thereof. but on account
of the infancy of their brothers and sisters other
names, such partition can not be effected
without the aid of this court.

Your exorpls. further state that the said
Land is not worth \$300 to each share, and
the interest of all parties will be promoted by a
sale - instead of a division of the Land - none of
The parties are willing to take the Land and
pay to the others, their proportions of the value.

In tender consideration of all which and
in as much as your exorpls. are without
remedy in the premises - except in a court.

in a court of Equity. To the end therefore, they
may your Honors be made. For further, Leonidia
Mary, Margaret, and Leonidas Tamm, infants
of tender years, by some fit person to defend them
left to this bill - That you will order a sale
of the Land in this bill mentioned, and a
disposition of the proceeds according to Law, and
grant such other and general relief in the
premises as Equity may dictate.

May it please

to his Honor.

~~Leonidia~~ and separate answer of Franklin, Mary,
Leonidia, Margaret and Leonidas Tamm -
by L. R. Edwards their Guardian ad litem, is the
following bill.

These defendants, ^{for answer say} are informed that
the facts stated in the Complainant's bill are true.
That their interest would be promoted by a sale of the
Land, instead of a partition thereof, and as they
are infants - They submit their interest to the
judgment and protection of the Court, and having
assumed they will be bona fide purchasers.

Tamm

vs

Tamm.

} In Chancery.

The Court with appointed L. R. Edwards,
Guardian ad litem to the infant defendants, Franklin
Leonidia, Mary, Margaret and Leonidas Tamm, who
~~therefore~~ filed their answer, and the cause was
acknowledged by consent, ~~and~~ parties, and came on to
be heard, on the bill, and answer, and was argued.
~~of the Court~~ consideration of the Court with
advice of an and a case. That both B. Tamm
who is hereby appointed a lawyer, for the purpose -
after advising, the time and place of sale for
not less than thirty days, sell at public auction
to the highest bidder - on a credit of one and
two years, equal instalments, (except cash sufficient to
pay the costs of this suit and the expenses of sale)
the Tract of Land, on which Ind & Tamm, and
~~the~~ containing 700 acres, subject to the Deed of
Mary Tamm - That he take of the purchase money
bonds, with security, of equal amounts, for each
payment, and assign one of said bonds for each pay-
ment, to each of the following persons: Hiram Powell
and Sarah his wife, Jacobus Tamm, Peter Tamm, Franklin
Tamm, Leonidia Tamm, Mary E. Tamm, Margaret
Tamm, and Leonidas Tamm - and retain the
same for himself - That he retain the bill to the
Land, till the purchase is paid - and make report to
Court, in or on to a final decree.

No. 7

55

Seth B. Turner Esq

Pumpkin

Southampton County
Va

Southampton December Court 1852 -

Harris Powell & Sarah his wife & others

against

Franklin, Mary, Cornelius, Margaret, and Leonidas Turner

by L R Edwards their guardian ad litem

Plffs

In Chancery

Defts

The Court doth appoint L R Edwards guardian ad litem to the infant defendants Franklin, Cornelius, Mary, Margaret and Leonidas Turner who filed their answer and the cause was docketed by consent of parties and came on to be heard, on the bill, and answers and was argued by counsel. On consideration whereof the Court doth adjudge order and decree that Seth B Turner who is hereby appointed a Commissioner for the purpose, after advertising the time and place of sale for not less than twenty days, sell at public auction to the highest bidder - on a credit of One and two years, equal instalments except cash sufficient to pay the costs of this suit and expenses of sale, the tract of land on which John C Turner died, containing 700 acres subject to the dower of Nancy Turner that he take of the purchaser nine bonds with security of equal instalments for each payment and assign one of said bonds for each payment to each of the following persons - Harris Powell and Sarah his wife, Jacobus Turner, Peter Turner, Franklin Turner, Cornelius Turner, Mary E Turner, Margaret Turner and Leonidas Turner and retain the same for himself - That he retain the title to the land till the purchase is paid. And make report to Court in order to a final decree -

Let's costs \$3.00

Amv. 10.00 } \$13.00

At Copy

Teste.

L R Edwards

Powell & Co
Heroni }
is } same
Turner }

1856 Feb. 1st

Turner

vs

Deeds

Turner

This day this cause came on to be again heard on the papers formerly read on the report of Commissioner Turner made under the order of the December term 1852 to which report there is no exception, and on a paper marked X herewith filed, and was argued by counsel, on consideration whereof the court confirming the said report doth ^{ad} pro order and decree that the said Commissioner, pay out the amount of the purchase ^{money} of the said land, appearing to be now in his hands from his report and from exhibit (X) in equal proportions to the following individuals, to wit: James Powell & Sarah his wife, Jacqueline Turner, Peter Turner, Franklin Turner, Cornelia Turner, Mary E. Turner, Margaret Turner, & Leonidas Turner, and Edinsey - and that the said Commissioner make a deed with special warranty to Franklin Turner for the said land - But this decree is to be of no effect until the said Commissioner Lien B. Turner shall execute a bond with good security in the Clerk's office of this court in the penal sum of \$2500 conditioned faithfully to execute this decree.

Powell Jr.
10 } Copy Deane
Furner Jr.

Southampton County Court February Term 1856

Haris Powell & Sarah his wife & others plffs

against

Franklin, Mary, Cornelia, Margaret and Bronidas

Turner by L. R. Edwards their guardian ad litem Defts

In Chancery

This day the cause came on to be again heard in the papers formerly read, on the report of Commissioner Turner made under the order of the December term 1852, to which report there is no exception and on paper marked X herewith filed and was argued by counsel. On consideration whereof the Court confirming the said report doth adjudge, order and decree that the said Commissioner pay out the amount of the purchase money of the said land appearing to be now in his hands from his report and from exhibit (X) in equal proportions to the following individuals, to wit: - Haris Powell & Sarah his wife, Jacqueline Turner, Peter Turner, Franklin Turner, Cornelia Turner, Mary E. Turner, Margaret Turner, & Bronidas Turner, and to himself, and that the said Commissioner make a deed with special warranty to Franklin Turner for the said land. But this decree is to be of no effect until the said Commissioner Seth B. Turner shall execute a bond with good security in the penalty of \$2500. conditioned faithfully to execute this decree.

Attest

Teste Henry S. Howard, D.C.

Lth. B. Turner
Powell & Co. Commissioners
of } Rep. reports
Turner

1855 Dec 6.

To the honor. County Court of Southampton
in accordance to a decree obtained at Decembar Term
1852. the Commissioner Seth B. Turner proceeded to offer the
said tract of Land at public sale after giving legal
notice on two occasions to wit. Jerusalem and at B. E
Popes Store having failed to sell. did on the 1st day of
October 1855. sell to Franklin Turner the said tract of
land for the sum of Twelve hundred dollars. six
hundred dollars Cash the other half at twelve months
and bearing date the 15th October 1855. all of which is
respectfully submitted. 5th November 1855.

Expenses incurred

February 16. 1852.	Chambliss & Mapenburs	fees for attorn	\$ 10.00
" 14 1853	Thomas B. Worre	Surveyors attorn	5.00
" 14 "	Wm. A. Williams	Commissioner attorn	2.00
July 14 "	John. G. Powell	attorn do	2.00
" " "	Littleton & Powell	do	2.00
1852	Tax attorn and ticket		3.76
1853	Tax do		1.88
1852.	Tax do		1.88
Three tickets			2.88

Commission on sale of land \$3000.00 at 5 per cent \$15.00
\$900. at 2 per ct. 18.00
\$33.00
\$64.40
Seth B. Turner. Commissioner

Whole amt. of Expenses is sixty two \$62.00
\$64.40 \$62.00 (Arduus)

Seth B. Turner's
Report.

1856 June Count

To the worshipful County Court of Southampton
May 26th 1856

The undersigned Commissioner
appointed at the December term ¹⁸⁵² of said Court to
sell the real estate belonging to the heirs of Mrs
C. Turner deceased, by a decree rendered at
said term and directed by a subsequent decree
rendered at the February term (1856) of the said
Court to pay over the net proceeds to the parties
there to entitled begs leave to report that he
has paid to Harris Powell, to Jacqueline
H. Turner, to Peter J. Turner and to Franklin
Turner the sum of One hundred and twenty
four dollars and thirty three cents each (\$124.
33 cents) taken their receipts for the same and
filed them with this report (marked A, B & C)
that he has retained to his own use and benefit
the like amount of \$124.33 cents, and retained
in his hands as guardian for Cornelia A. Ma-
ry E. Martha C. & Leonidas B. Turner the like
sum of one hundred and twenty four ³³/₁₀₀ dol
lar for each of his said wards (\$124.33 cents)
Respectfully Submitted -

Seth B. Turner.
Comro

Harris Powell
Receipt

(A)

Memphis Tennessee March 14/86
Received of Seth B Turner (Commissioner Appointed
by the County Court of Southampton County State
of Virginia to Sell the Real Estate belonging
to the heirs of John C Turner dec'd) his
note under Seal dated the 21st day of February
1886 for the sum of One Hundred & twenty four
32/100. dollars which note I agree to receive
as my portion of the amount arising from
the Sale of the Said Real Estate by him the
Said Seth B Turner. Commissioner

Haris Powell

Attest: Notary by me
Wm F. Will
Clerk for Virginia

J. H. Turner
P. L. Turner
Receipt

(B)

Received of Seth B Turner Com-
missioner appointed by the county
court of Southampton State of
Virginia, to sell the Real estate belo-
nging to the heirs of John C. Turner
Deceased, the sum of one hund-
red and Twenty four Dollars
and Thirty three Cents in full
for my portion arising from
the Sale of the ~~the~~ said Real
Estate by said Commissioner
Jaquelin H. Turner

Recd. of Seth B. Turner Commissioner appointed
by the County Court of Southampton State of
Virginia to sell the real Estate belonging to ~~John~~
the heirs of Joh. C. Turner Decd. the sum of one hun-
dred ~~Dollars~~ Twenty four Dollars. & 33/100. in full
for my Portion arising from the Sale of said real
Estate by said Commissioner

P. I. Turner
March. 25. 1856

Franklin Turner
Receipt

(6)

Received of Seth B. Turner commissioner
or appointed by the county court of Southampton
State of Virginia to sell the real estate
belonging to the heirs of John C. Turner
deceased, the sum of one hundred and twenty
four dollars and thirty three cents in full
for my portion arising from the sale of
the said real estate by said commissioner
Franklin Turner.

Turner
To $\frac{1}{2}$ Receipt
Turner

(H)



Feb. 16th 1856 Rec^d of Franklin Turner, the sum
of Six Hundred dollars in cash it being the balance
due for the land belonging to the heirs of M^cC Turner
sold by me as commissioner of the county court
of Southampton for which balance I was
directed to take bonds payable twelve months
after date, but the said Franklin Turner
desiring to pay the cash I have received
it instead of the bonds

Sett. B. Turner
Commissioner

Chambliss. Rept

July 16th. 1852. Recd of Mr. S. B. Linn. Ten
dollars, for for amount of widows. allowed
in the lands of J. B. Linn. as J. S. Co. Co.

Chas. H. Chapman

Turner Sept 2

60

Seth D Turner.

1852

To the Clerk Southampton County D.

May Search for deed from Turner to Spark Trustee. 10

June Copy of deed for Mr Chamberliffe 50

L. R Edwards 60

Turner & B

75

Seth B Turner Esq. Franklin, Cordia, Mary E. Martha & 4
Leonidas B Turner. To the Clerk Southampton County Dr.
1852
Sep. Taking your bond 50 recording same 25 75

J. R. Edwards Clk.

Turner S. B.

1.38

40

75

75

3.28

Sith B. Turner Comy

1852.

To the Clerk Southampton County

Dr.

Dec. Bill. answer, decia &c for sale Turners land

1.38

L R E Edwards Cky

Seth B Furman & Son

1888

Dr. Seth B Turner and others.
1833 To Samuel Kells, Shff of Southampton
to tax on 470 acres of land. \$ 1.88

Rec^d payment in full - rec^d.

Deputy for
Samuel Kells, Sheriff

Seth B. Turner & others

1853.

To the Comrs. of the Revenue

Transferring 470 acrs Ld. from Turner's Est. \$754

Jno. M. Gentry Cks

February. 1852

Seth B. Turner D

Gov John T Pounce

To 2 days services to thing of Alhame \$2.00

January. 14. 1853 Prod of Seth B. Turner
guardian John T Pounce

January 14th 1863. Received of Seth B. Turnes
as commissioner. for two day services as commis-
sioner. two Dollars. in full,

Littleton G Powell

Tanner S. B.

40

Seth B Turner

1853

To The Clerk Southampton County Dr.

Mar. Copy deed from Tiller to Tiller 30

Apr. Examining division Jesse Holt's estate. 10

SR Edwards & Co 40

1852, The Estate of John C. Turner dec. Dr
To Tho^d B. Worrell

1852. Feby To surveying the land of said dec. & 
running line to lay off the Widows Dower  \$5.00

1853 ~~Feb~~ th 14. Rec. of Mr. Seth B. Turner the sum of
five dollars in full of the above acct.
Tho^d B. Worrell.

51.22
16-05

Feb^y February 4th 1853 Received of Seth B. Turner
the just and full sum of two dollars. it being
for two days services as conveyancer.

William H. Williams

Ed.
Jno. C. Turner

3.16

Dr. *John C. Turner Est.*

1852.

To **SAMUEL KELLO**, Sheriff of Southampton County.

To Tax on

426

Acres of Land,

" "

County Levies,

" "

White males over 21 years of age,

" "

male free negroes between the age of 21 and 55,

" "

slaves above 12 years of age,

" "

\$ aggregate value of personal property, moneys and
credits,

" "

Income over \$100,

\$

3

16

Received, this *14th* day of *April* 1853, from
E. B. Turner the sum of \$ *3.16* in full of the above
tax account.

Joshua P. Turner

Deputy for Samuel Kello, Sheriff.

Seth B. Turner &
Others.

1.88

Sett B Turner and others.

Dr.

To SAMUEL KELLO, Sheriff of Southampton County.

1854

To Tax on

470

Acres of Land,

\$

188

" "

County Levies,

" "

White Males over 21 years of age,

" "

Male Free Negro between 21 and 55 years of age,

" "

Slaves above 12 years of age,

" "

Personal property, Moneys and Credits,

" "

Interest received,

" "

Income or Fees of office,

" "

Received

15

day of

Dec.

1854 from

\$

the sum of

in full of the above tax account.

Andrew Kello

Deputy for

SAMUEL KELLO, Sheriff.

W. A. J. Martin, Printer, Petersburg, Va.

Know all men by these presents, That we Seth B. Turner & John I. Kindred

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of Twenty five hundred 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 21st day of February 1836.

The condition of the above obligation is such, that whereas in a suit in Chancery depending in our County Court of Southampton in which Harris Powell & Sarah his wife & others are plaintiffs and Franklin, Mary, Cornelia, Margaret and Leonidas Turner by R. R. Edwards their guardian ad litem are defendants, the said Court on the 18th day of February 1836, decreed that the Commissioner Seth B. Turner pay out the amount of the purchase money of the said Land appearing to be now in his hands from his report and from exhibit (X) in equal proportions to the following individuals, to wit: Harris Powell & Sarah his wife, Jacqueline Turner, Peter Turner, Franklin Turner, Cornelia Turner, Mary E. Turner, Margaret Turner & Leonidas Turner & to himself, and that the said Commissioner make a deed with special warranty to Franklin Turner for the said Land. But the said decree is to be of no effect until the said Commissioner Seth B. Turner shall execute above with good security in the Clerk's office of this Court in the penalty of \$2500.00 conditioned faithfully to execute the said decree. Now if the said Seth B. Turner, shall faithfully discharge the duties imposed on him by said decree then this obligation to be void, else to remain in full force and virtue.

Signed sealed and delivered
in presence of

Seth B. Turner Seal
John I. Kindred Seal
Seal

Southampton County Court Clerk's office the 21st day of February 1856

This day John J. Kindred, the security to the within bond made oath before me Deputy Clerk of the said Court that his estate after the payment of all his just and lawful debts is worth the sum of Twenty five hundred Dollars the penalty of said bond.

Test Henry S. Howard, D.C.