

L856-017

SOUTHAMPTON COUNTY
CHANCERY PAPERS

TURNER et al vs. GURLEY, TRUSTEE et al

5/1856

other surnames: Powell
Barham, Goodwyn, Spark

Turners

to } Papers

Gusley

1856 May T

Turners

v. } Stat. Rules

Gurley

Nancy Turner widow of John C Turner dec? Maria Powell & Sally his wife who was before marriage Turner, Jacqueline A Turner, Peter D. Turner, Seth B Turner and Franklin B. Turner, Cornelia Turner, Mary C. Turner, Martha C Turner and Leonidas Turner the last five infants of tender years who sue by Seth B. Turner their next friend. Plffs

v.
John M. Gurdley

Def.

1855 Jan'y 23. Summons issued retble. to Feby Rules.

" Feby R. Sum. ret? Ex? Bill filed & Deora nisi v. Left.

" Mar. Bill taken for confessed.

" Apr. Cause set for hearing. &c?

" May J. Deora for acc?

" Nov 3^d Report.

" " J. Ans of Gurdley & Rep: - Report recommended

1856 Apr 28. Report.

" May J. Deora for plffs.

Turner is also
as 3 Bill & Exhibits
Gentry Turner

1855 February Rules

(1417 words)

To the Honorable Richard H Baker judge of the circuit
court of Southampton County in chancery sitting

Humly complaining your complainants
Nancy Turner widow of John C. Turner dec'd Harris Powell
and Sally his wife who was before marriage Turner, Jacqueline
H Turner, Peter D Turner, Seth B Turner and Franklin
B Turner, Cornelia Turner, Mary E Turner, Martha C
Turner and Leonidas Turner The last five infants of tender
years who are by Seth B Turner their next friend all
the children of the said John C. Turner dec'd, Shew unto
your Honor that in year 1842 their grantor John C
Turner who was at that time in debt and dissipated
fearing that he would waste his whole estate and leave
his wife and children destitute and unprovided for at
his death, executed a deed of Trust to one William A
Spark as Trustee conveying his whole estate both real
and personal in Trust to the said Spark who was
thence directed after paying all the debts then due
and owing by the said John C. Turner to ~~retain~~ hold
the said estate for the use and benefit of the said
Turner during his lifetime for the support of himself
and family and at his death to be divided and
distributed among your complainants his wife and
children in the manner therein specially set forth
all of which will more fully ^{appear} by a copy of the said
deed of Trust filed with this bill marked A and prayed
to be taken as a part thereof

Your complainants know nothing of the transactions
of William A Spark during the time he acted as Trustee
as he never settles any account of his transactions as
such but they presume he discharged his duties
faithfully, but sometime since either in 1848 or 1849
the said Spark died and John M Gurley of this

county was appointed by the county court of Southampton
Trustee in his place, that in the year 1800 John C
Tamm the grantor in the deed departed this life
leaving your complainants the beneficiaries under
the said deed of trust who are now entitled to a
distribution of the same, but since the death of
the said John C Tamm, the trustee John M Gurley
in order to pay debts still outstanding against John
C Tamm and which were a charge on the trust
property sold all the estate except the lands, which
your complainants now hold. The said John M Gurley
has settled an account of his transactions as trustee
before a commissioner of the county court of
Southampton by which it appears there is a balance
of \$617.53 which are due your complainants which
he will not pay but excepts to the account all of
which will more fully appear by a certified copy
of the said account herewith filed marked TB and
prayed to be taken as a part of this bill

In further consideration whereof and inasmuch
as your complainants are without remedy at law
and only entitled to relief in a court of equity where
such matters are cognizable, they therefore humbly
pray that the said John M Gurley trustee of John
C Tamm do may be made a party defendant
to this bill and that he answer the same as fully
and unreservedly as if he had been summoned more
fully and specially interrogated that the court would
decree a settlement of his accounts as trustee of

the said John C Tamm before a commissioner of
this court and that the court would direct a dis-
tribution of whatever balance may be found due
upon such settlement among your complainants
according to the provisions of the deed and that
the court would grant such other and general
relief the justice considered as equity may
dictate and the nature of this case may require
and as in duty bound your complainants will
ever pray &c

Turner & Co
to Messrs
Sutley

1835 Nov. Term

The answer of Geo M Suter to a bill of complaint filed against him in the Circuit Court for the County of South-
ampton by Nancy Turner &c

This Defendant now and at all
times hereafter saving and reserving to himself
all benefit and advantage of exception do for answer to
the said bill or unto so much thereof as he is advised it
is material he should make answer unto, answering
saids; That it is true, Geo C Turner executed a deed
under the circumstances mentioned in the bill to
Wm A Sparks and that this respondent was afterwards
appointed a trustee in the place of the said Sparks,
and that since the death of the said Geo C Turner this
respondent has sold all of the property conveyed by the
said deed except the land for the payment of the debts
therein secured - That on a full settlement of his ac-
count as trustee, but a small balance will be
found against him - That he has at all times been
willing and ready to settle with the Plaintiff in a
just and equitable manner, and has endeavored
to do so as will appear from the copy of the account
filed with the bill, but that the Plaintiff has been
unwilling, and has refused to allow him credit
for a large sum of money paid for the trust fund in the
lifetime of the said Geo C Turner under the following
circumstances, In the year 1846 Jph. Britt & Narcissa
his wife instituted a suit in this Honorable court
against the said Geo C Turner Executors of Matthias
Williams for the amount of a legacy bequeathed by
the said Williams to the said Narcissa, and it being
apparent that the said Britt & wife would recover
and that the debt toward the property conveyed by the said
deed, Geo C Turner compromised with them for
the sum of \$ much less than was really due

and at the May term 1847 the suit was dismissed. The
said Jno C Turner having no means of paying the said
sum of \$400 without the sale of some part of the prop-
erty conveyed in the said deed all of which was ne-
cessary for the comfortable support of his family
this respondent as trustee as aforesaid advanced
the said sum for the relief of the trust subject waiv-
ing thereby to substitute himself as the creditor in
the place of the said Brittain wife - That this respon-
dent paid the said sum of \$400 to the said Brittain and
took his receipt therefor, which receipt he has
since had the misfortune to lose and that the
said Brittain has since died - The Plaintiff in con-
sequence of the loss of the said receipt and of the death
of the said Brittain now denies that the said sum was
ever paid by this respondent, maintaining that
it was paid by the said Jno C Turner though they
well know the contrary to be true - That it is well
known that at no time after the execution of the
said deed did the said Jno C Turner have any credit
or other means by which he could acquire the sum
of \$400 at one time - That the amount of sales from his
farm was small and was absolutely necessary for
the immediate support of his family, and that it
is scarce & possible the said debt could have been paid
in any other way than that stated by this respondent.
And having answered as aforesaid he prays leave to be dismissed.

Jno M Suckey

by Charles H. Happersburg

Southampton County, to wit;

This day Jno M Suckey appeared before me a justice of the
said County and made oath the facts set forth in the
above answer are true - Given under my hand this

1855

William Bowers J. P.

Turn is also
as 3 Quen
Gurley Trustee

To be entered
R. N. B.
May Co. 1855.

1855 May Term

Turner is also
as 3 Decem
Jury Trustee

The bill of the complainants having
been taken for confessed at the rules against the
defendant John M. Jenkins and in still failing to appear
and answer the said bill Thompson this cause this
day came on to hear on the complainants bill and
the exhibits filed therewith and was argued by counsel
on consideration whereof the court doth adjudge,
order and decree that ^{the said} John M. Jenkins settle an account
of his transactions as Trustee of John C. Turner before
a commissioner of this court who is hereby required
to report and state the same to this court together
with any species matters deemed pertinent by himself
or required to be so stated by any of the parties

Turner & Co
as I copy of Decem
Barley

Southampton Circuit Court, May Term, 1853.

Nancy Turner widow of John L. Turner dec'd. Harris Dowell & Sally
his wife, who was before marriage Turner, Jacqueline H. Turner,
Peter D. Turner, Seth B. Turner, and Franklin D. Turner, Cornelia
Turner, Mary E. Turner, Martha C. Turner, and Leonidas Turner
last five infants of tender years who sue by Seth B. Turner their
next friend

Deft.

against
John M. Gurley

Deft.

The bill of the complainants having been taken for confessed
at the rules against the defendant John M. Gurley, and he still
failing to appear and answer the said bill, therefore this cause
came on to be heard on the complainants bill (and the exhibits filed
therewith) and was argued by counsel. On consideration
whereof, The Court doth adjudge order and decree that the
defendant John M. Gurley settle an account of his trans-
actions as trustee of John L. Turner before a Commissioner of this
Court who is hereby required to report (and state the same
to this Court together with any special matters deemed pertinent
by himself or required to be so stated by any of the parties.
Etc.

Henry S. Howard, D.C.

Summers
as 3 Deane
Gurley Trustee

To be entered

R. H. Baker
Nov Court 1855.

Turner w als

as 3 Decree
Gurley Trustee

This day this cause came on again to be heard on the papers formerly made and the report of commissioner Howard made pursuant ^{to a decree} entered at the last term of this and was argued by counsel on consideration whereof the court doth adjudge, order, and decree that the said report be recommitted ^{to} ~~to~~ commissioner of this court ~~for the purpose of~~ taking further evidence and report the same to this court together with any opinion another deemed pertinent by himself or so required to be so stated by any of the parties

Turner J.
vs } copy of
Bulby } Decree

Southampton Circuit Court, November 9th 1833.

Fancy Turner, widow of John C. Turner dec^d. Harris Powell &
Sally his wife who was before marriage Turner, Jacqueline
W. Turner, Peter L. Turner, Seth B. Turner, Franklin
B. Turner, Cornelia Turner, Mary C. Turner, Martha C.
Turner, and Trinidad Turner the last five infants of
tender years who sue by Seth B. Turner their
next friend

Plffs }

against

John M. Bailey

Def^t }

This day this cause came on again to be heard on
the papers formerly read and the report of Commissioner
Howard, made pursuant to a decree entered at the last
Term of this Court (and was argued by Counsel. On
consideration whereof the Court doth adjudge, order and decree
that the said report be recommended to a Commissioner
of this Court for the purpose of taking further
evidence and report the same to this Court, with
any special matter deemed pertinent by himself, or
so required to be stated by any of the parties.

A Copy
Dist.

Samuel S. Howard, D. C.

Thomas re
" } Deem
justly

To be entered

R. H. B.

May 3^d 1864

Summ. 15c

is 3 Decr
Gurley

This day This cause came on again to be heard on the papers formerly read and the report of commissioner Howard made pursuant of a decree of the November term 1855 of This court and the court adopting the report made by the said commissioner marked B doth adjudge order and decree that the defendant John W Gurley pay to the plaintiffs the sum of (\$ 36.60) Thirty six dollars and sixty cents and the court doth further adjudge and decree that each party pay the costs by them in this behalf expended.

Turners

v { Burns Bk.

Gurley

1855 February Rules

Sh:

Executed by delivering
him a copy of the within
Jan. 27th 1855—

J. C. Edwards Dep't. for
G. Wells Shff.

The Commonwealth of Virginia :

To the Sheriff of Southampton County, Greeting :

We command you to summon *John M. Gurley Trustee of John C. Turner*

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be
holden for the said Court, on the first Monday in *February next* to answer
a bill in Chancery exhibited against *him* in our said Court by

Nancy Turner & others

and have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
the Courthouse, this *23^d* day of *January* 185*3* in the *79th*
year of the Commonwealth.

L R Edwards

Turner & others

vs

{ Comm's notice

Gurley

Commissaries Office.

Jerusalem, August 23th 1855.

To Nancy Turner widow of John C. Turner, dec'd; Maria Dowell & Sally
his wife, who was before marriage Turner, Jacqueline A. Turner
Peter D. Turner, Seth B. Turner and Franklin B. Turner, Louella
Turner; Mary E. Turner, Martha C. Turner, and Leonidas Turner
the last five infants of tender years who^{are} by Seth B.
Turner their next friend, plaintiffs, (and

To John M. Gurley, defendant

You are hereby notified that I have fixed upon the 22^d.
day of September 1855, (next,) if fair, if not, on the next fair
day thereafter, (Sunday excepted) to take and settle at my
office, the account of John M. Gurley's transactions as
trustee of John C. Turner, required to be taken by the
decree of Southampton Circuit Court, rendered at the
May term 1855; in a suit in chancery depending in
said Court, in which you are plaintiffs (and defend-
ants as aforesaid; at which time (and place) you
required to attend.

Given under my hand, as Commissaries in Chancery of
the said Court, the day (and year) first aforesaid.
Henry S. Howard.

To the Sheriff of Southampton County.

Henry S. Howard Comr.

Executed on Franklin Turner, Nancy Turner
Cornelia Turner, Mary E Turner Martha E Turner
Leander Turner & Ins all Seely by delivery
to each a copy & Executed on Seth B Turner
by going to his residence he not being at
home I left a copy with his wife & expl^d it to her
Harris Powell & Sally his wife Jacqueline H Turner
& Peter L Turner are not residents of this
State.

A J. Kello Deputy
for Sam Wells Shff

I acknowledge service of the within notice for Harris
Powell & Sally his wife, Jacqueline H. Turner (and
Peter L. Turner.

Wm B Shamos acts
for plaintiffs

The Taking of this account not being able
to be gotten through with today is adjourned
over to the 13th day of October 1853.

Henry S. Howard, Comm.
Commissioner's Office
Jerusalem Sept: 22^d 1853

James & others
vs
Buckley
in
Commissioner's Office

The Taking of this account not being completed
in this day is again adjourned over to the 20th
of the present month (October) 1853.

Henry S. Howard, Comm.
Commissioner's Office
Jerusalem Octo 13th - 1853

Gurley

ass } Summons for yr

Turner Jr

1855. September 22^d

Executed on John Bar
Ben^d & Dose & Ma
not found.

A
for

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:—
You are hereby commanded to summon Marston D. Dope,
Benjamin E. Dope, Benjamin F. Vick, & John Barkum
personally to appear before the undersigned one of the
Commissioners in Chancery, of the Circuit Court of
Southampton County, at his office at the Courthouse of
said County, on the 23rd day of September, the present
month, to testify (and the truth to say), in behalf of
John M. Guley in a certain matter of account
referred to the said Commissioners for settlement
by a decree of the said Court in a suit in chancery
therein pending, between Nancy Turner widow of
John C. Turner dec^d & others plaintiffs and the said
John M. Guley defendant. And this they shall
in no wise omit, under the penalty of £100. —
And have then this writ. Witness Myself Henry
S. Neward, Commissioner of said Court, at the
Courthouse of said County, the 8th day of
September 1833, in the 80th year of the
Commonwealth.

Henry S. Neward, Comm^r.

Gulley
ass } Summons for y.

Turner y.

1855. September 22^d

Executed on John Barkman & Benj^a. F. Kirk
Benj^a. E. Dose & Harrison D. Dose
not found.

A. J. Kello Deft
for J. Kello Shff

Gurley

ads

Summons for
witnesses

Turner & als

To October 13th 1833

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:

You are hereby commanded to summon Edward S. Turner, Benjamin E. Pope & Edward Braten personally to appear before the undersigned, one of the Commissioners in Chancery of the Circuit Court of Southampton County, at his office at the Courthouse of said County, on the 13th day of October instant, to testify and the truth to say in behalf of John M. Gurley in a certain matter of account referred to the said Commissioners for settlement by a decree of the said Court in a suit in chancery then pending, between Nancy Turner widow of John C. Turner and others plaintiffs and said John M. Gurley defendant. And this they shall in no wise omit, under the penalty of \$100. And have then shown this writ. Witness Henry S. Howard, Commissioner of the said Court, at the Courthouse of said County, the 11th day of October 1853, in the 80th year of the Commonwealth.

Henry S. Howard, Com.

✓
Escorted and Henry & Edgh. & Edm. & Mount
Edward & J. Turner not found.

At J. Mills Oct. 1. for
J. Mills Church

Gurley
ads } Summons for
witnesses
Burnes & als

To October 13th 1833

Burns Jr.

vs J^{rs} Courts Notice.

Gentry

Do March 17th 1836.

Commissioner's Office.

Jerusalem, February 23rd 1836.

To Nancy Turner widow of John C. Turner dec'd, Betsey Powell & Sally his wife, who was before marriage Turner, Jacqueline Turner, Peter S. Turner, Seth B. Turner, Franklin Turner, Cornelia Turner, Mary C. Turner, Martha C. Turner and Leonida S. Turner the last five infants of tender years who sue by Seth B. Turner, their next friend, Plaintiffs, And John M. Gurley, Defendant.

You are hereby notified, that I have fixed upon the 17th day of March next (1836) to take and settle at my Office the account of John M. Gurley's transactions as trustee of John C. Turner which account was recommended to me by a decree of Southampton Circuit Court, rendered on the 7th day of November 1835, in a suit in chancery depending in said Court, in which you are parties plaintiffs and defendant; at which time and place you are required to attend.

Given under my hand as Commissioner in chancery of the said Court, the day and year first aforesaid.

Henry B. Howard, Comm^r.

To the Sheriff of Southampton
County, to execute.

Henry B. Howard, Comm^r.

"

I acknowledge service of the within notice for the
plaintiffs.

Wm. B. Shannock atty,
for plaintiffs

I acknowledge service of the within notice for the
defendant John M. Hurley.

E W Maffenberg

per H. Maffenberg
for Plaintiff

I do acknowledge service of the within notice for the
defendant

Furness

vs { Deposition

Gusley

Filed with Report of Com. Howard

Nov. 3^d 1855.

The Deposition of John Durham Taken on this 22^d day of September 1853, before Henry S. Howard, one of the Commissioners in Chancery of the Circuit Court of Southampton County, at his office at the Courthouse of said County to be used as evidence on behalf of John M. Gurley before the said Commissioners touching certain matter of account referred to him for settlement by a decree of the said Court, made at the May term 1853, in a suit in Chancery therein depending between Nancy Turner, widow of John C. Turner dec'd, Maria Donell & Sally his wife, who was before marriage Turner, Jacqueline H. Turner, Peter T. Turner, Seth B. Turner and Franklin B. Turner, Cornelia Turner, Mary E. Turner Martha C. Turner and Leonidas Turner, the last five infants of tender years who sue by Seth B. Turner their next friend, plaintiffs, and the said John M. Gurley, defendant. The Defendant being first duly sworn deposes (and says: - While I was Deputy Sheriff a young man by the name of Britt handed me a notice to notify John C. Turner & John M. Gurley to meet at Jerusalem on the 30th day of February (I do not recollect the year) (sometime while I was deputy for Ably Mayrick) - afterwards John C. Turner and myself were speaking about the notice and I asked him why it was that no execution had gone out about that notice and he said that he had compromised it - that he had settled it by paying \$400.00. - Question by Defendant's Counsel. Is it not your decided belief and impression that John C. Turner

told you in that conversation that John M. Gurley had paid the money to Ritt for him.
Answer. Some person told me so. I am not certain who told me - I reckon John C. Turner told me so - but I am not positive.

Question by Defendants Counsel. State the pecuniary condition of John C. Turner about the time Myrick was sheriff. Whether the profits of his farm exceeded the expenses of the support of his family, and if so, by how much? What means he had of obtaining the sum of \$400.00 and what credit he had?

Answer. Mr. Turner had some property. he had three or four negroes and a farm - he had a right large family of children - he made right good crops. I reckon if Mr. Turner could break corn after paying his family expenses, he was doing very well. I do not know of any means he had of raising any amount of money except as other small farmers have by their farms. He got credit to the amount of two or three hundred ^{Dollars} at Mr. Pope's store. Any how he got credit to a good large amount.

Question by Defendants Counsel. Did not Benjamin Pope believe and contend that the property conveyed by Turner to his wife, was banded for debts contracted for the expenses of the family?

Answer. I do not know what he believed.

Question by Defendants Counsel. Was not the

property which you have mentioned the same which was conveyed by John C. Turner for the benefit of his wife & family?

Answer. I do not know. I thought it was.

Question by Defendants Counsel. From John C. Turner's credit in the neighbourhood do you believe he could have borrowed \$400.00 without security and do you know of any one who would have become his security for that amount?

Answer. I do not reckon he could have borrowed that amount without security & I do not know of any one who would be willing to become his security for that amount. I should not. I do not know what other people would be willing to do.

Question by the Plaintiffs' Counsel. Do you know whether John M. Gurley was paid any money for John C. Turner?

Answer. I do not.

And further this Dependent saith not.

John Barham

Sworn to & subscribed before me as Commissioner aforesaid this 22^d day of September, 1833.

Henry S. Howard Com⁴³

Question by Counsel for Defendant
State how far you lived from John C. Turner from
the year 1845 until his death, whether during that
time you were doing business as a merchant and
whether he ever traded with you for Cash or on
a credit, whether after 1845 John C. Turner had in
possession any other property than that conveyed
by deed in Trust for the benefit of his wife and
if so what it was and whether he sold property
of any considerable value, except his annual
crops after that time, whether the annual produce
= of his farm would more than support
his family, and if so by how much and also
what you know or believe to have been his
pecuniary condition during the time above
mentioned

Answer I lived in some five or six miles of Jno.
C. Turner for six or eight years before his death
during which time I was merchandising, sold
him a part of the goods he bought, I do not
recollect that he ever paid me Cash for any goods
I never knew Turner after 1845 to have possession
of any property than that conveyed by deed in Trust
for the benefit of his wife, except his Crops and
increase of stock, I never heard of his selling any
property other than his Crops for several years
before his death, his farm was very poor and
I am of opinion that he could not have made
much more than support for six or eight years
before his death, he died owing me a Bond and
an open account, knowing his cramped Con-
= dition, I demanded him several times for the
Bond and I think for the cash, I think his
reply was always that I had no money

I was of opinion that what he said was so. I
never told him when I thought he had much
money, as I before stated, his land was very
poor. I think he had but three or four slaves
Those generally old and infirm, with a large
family of children to raise, under such circum-
stances I could not see how he could realize
a profit from his farm. There was an
understanding between Mr. Turner and myself
that he was not to fail to pay me yearly
his Lord accounts, and I acted thus from
the fact, that I was of opinion that whenever
= or he died, the amt. that he might then
owe me, would never be collected.

Nov 7th 1855

Testified by Wm B. Thayer

Ben E. Pope

Counsel for the Plaintiff

Did you not collect a debt of John C. Turner
of some two hundred dollars by suit a few
years before his death.

As you know of your own personal knowledge
that John M. Gurley was paid by the sum
of Four hundred dollars for John C. Turner

Answer, I recollect that I did collect by suit from
John C. Turner or John M. Gurley, who was security to
the Bond, an amount of some two hundred dollars I never
inquired of the ~~Stiff~~ who paid it, if I did I have forgotten
I never knew of John M. Gurley, having paid by the sum
four hundred dollars for John C. Turner
I think the amt collected for me by the Stiff, from John C. Turner
or John M. Gurley the security, was collected some four or five
years before John C. Turner's death, but can't say with
any certainty

Nov 7th 1855

Ben E. Pope

Guinness

vs } Deposition
Guilay

Filed with Com. Howards report

Apr. 29 1856

The Deposition of W^m S. Goodwyn Taken on the 14th day of April 1836, before Henry S. Howard one of the Commissioners of the Circuit Court of Southampton County, at his office, at the Court House, to be used as evidence on behalf of John M. Gurley, in a certain matter of account recommended to the said Commissioner by an order of said Court entered on the 9th day of November 1835 in a suit in chancery depending in said Court in which a Nancy Turner widow of John C. Turner & others are plaintiffs and said Gurley defendant. The Dependent being first duly sworn, deposes and says: -

"Some years since Mr. Pridley and myself were employed as counsel to institute a chancery suit in favor of Britt and wife by their next friend John Wooddell against John C. Turner the suit was instituted in the Circuit Court of Southampton County, for the purpose of recovering a certain sum of money due the wife of Britt from the defendant - Sometime afterwards, I think in the year 1847, a proposition was made by John M. Gurley as the friend of Turner, to compromise the subject involved in the suit, which was accepted by the plaintiffs; and the said Gurley paid to this Dependent, one of the Counsel of the plaintiffs, about the sum of four hundred dollars and the suit was dismissed - I cannot state positively the amount of money paid by Gurley, but I think it was about the sum of \$400 - I can state certainly that Gurley paid me the amount that was paid, and that the suit was dismissed or ordered to be dismissed the same day on which the amount was paid - I cannot state with certainty that the suit was dismissed and the money paid in 1847, nor can I say certainly that the style of the suit was as above stated, but in order to identify the suit, I think I can say positively that the name of the plaintiff Britt, is Joseph S. Britt, and the suit may have been brought to recover money due him in his own right - My statement first made above, however, is according to impression at this time - I took Britt's receipt for the money paid him, but have mislaid it, and cannot refer to it in order to refresh my memory - And further this Dependent saith not

W. S. Goodwyn

Turner J^r

vs. } Canniffsineis
Gutley } Report.

Filed Nov: 3rd 1855.

Nancy Turner widows of John L. Turner dec'd. Harris Dowell & Sally
 his wife, who was before marriage Turner. Jacqueline B. Turner, Peter
 D. Turner, Seth B. Turner and Franklin B. Turner, Cornelia
 Turner, Mary E. Turner, Martha L. Turner (and Leonidas Turner
 the last five infants of tender years who sue by Seth B.
 Turner their next friend, Plaintiffs } In Chancery.

against
 John M. Gurley, Defendant

John L. Turner.

In account with John M. Gurley, Trustee.

			D.	Cr.	Int.
1852					
June	22	By cash from sales of personal estate.		1017 37	
		To Commissions on \$1017.37 at 5 per cent	50 86		
		" paid Taxes	20 53		
"	"	" paid John M. Gurley bond	63 09		
Dec.	31	" Balance due by Trustee	882 89		
			1017 37	1017 37	
"	"	By balance due by the Trustee brought down		882 89	
1853		" interest on last years balance			52 97
Dec.	31	By balance by the Trustee		882 89	52 97
1854		To paid negro hire	12 13		
May		" paid Ellsworth & wife under decree	241 03		
Octo	12	" paid James Majors judgment	68 70		
Nov.	21	" paid appraisers	2 00		
"	"	" paid James Sebrill bond	3 73		
"	"	" paid Thomas Harwood for work	2 00		
Aug	11	" paid for John L. Turners Coffin	25 00		
		" paid for shoes for negroes	5 00		
		" paid Clarke's ticket	2 00		
		Amounts carried forward	\$359 83	882 89	52 97

1854		Amounts brought forward	\$ 359 83	882 89	52.97
Dec 31		By interest on last years balance			52.97
		To paid Commissioner Shanks	10 00		
		" Balance by Trustee	\$ 513 06		
			882 89	882 89	105.94
Dec 31		By balance due by Trustee brought down		513 06	105.94
		" Interest brought in		105 94	
		By balance due by Trustee Jno M. Guley		\$ 619 00	
		with interest on \$513.06 part			
		thereof from the 31 st day of			
		December 1854, till paid.			

Commissioner's Office,
November 1st 1855

To the Circuit Court of Southampton County.

Pursuant to a decree of the Circuit Court of Southampton County, rendered at the May term 1853, in a suit in Chancery depending in the said Court between Nancy Turner widow of John C. Turner dec'd. Maria Swell and Sally his wife who was before Marriage Turner, Jacqueline St. Turner, Peter 2 Turner, Beth B. Turner, and Franklin B. Turner, Cornelia Turner, Mary C. Turner, Martha C. Turner and Leonidas Turner the last five infants of tender years who sue by Beth B. Turner their next friend plaintiffs and John M. Guley defendant, the undersigned, one of the Commissioners of the said Court, to whom was referred for settlement by said decree an account of the transactions of the said John M. Guley as Trustee of John C. Turner reports to the Court that on the 23rd day of August last (1855) he issued notices against the several parties aforesaid, requiring them to attend the settlement of the said account, before him, at his said office, on the 22nd day of September last

last (1855), which were returned to your Commissioner duly executed. That the parties aforesaid appeared before the Commissioner by Counsel in obedience to the said notices and he thereupon proceeded to examine the vouchers, state and settle the said account, but the said account not being able to be completed on that day the further taking of the same was adjourned to the 13th day of October last (1855.) At which time the parties aforesaid again appeared before the Commissioner by Counsel (and the said account not being able to be completed on that day for the want of evidence was again adjourned to the 20th day of October 1855. At which time the parties aforesaid again appeared before the Commissioner by Counsel, (and he thereupon made up, completed, stated and settled from the vouchers and evidence before him the foregoing account of the said John M. Guley's transactions as trustee of John C. Turner up to the 31st day of December 1854, and on that day finds a balance due the said John C. Turner from the said John M. Guley, of \$619.00. of which balance \$105.94 is interest. Which said account embraces all the vouchers, accounts &c. laid before your Commissioner except one account of the said John M. Guley against the said John C. Turner for about \$400.00. which account your Commissioner rejected for the want of proof sufficient. Your Commissioner examined John Bacham in relation to said account, whose examination will be herewith returned with this account and report. The Commissioner further reports to the Court that after the completion of the said account, he retained the same in his office ten days for the examination of the parties, and

and which account with the decree and notices aforesaid, and
the examination of John Barham is herewith returned.
Given under my hand as Commissioner, aforesaid
this 1st day of November A.D. 1833.

Shriffs fees before the } Henry S. Howard, Comr.
Commissioner \$4.30
Commissioner's fee \$20.00
Charged to the plaintiffs }
Henry S. Howard, Comr.

Turner's

vs J. C. Turner's Report

Gulley

1856 April 28th filed

John C. Turner

In account with John M. Guiley, Trustee of

1852			D.	C.	Int.
June 22	By cash from sales of personal estate		\$1017	37	
	To Commissions on same		5086		
	" paid Taxes		2053		
	" " John M. Guiley bond of		6309		
Dec 31	" Balance due by Trustee	\$882 89			
			1017 37	1017 37	
1853	By balance due by Trustee brought down		\$882 89		
Dec 31	" Interest on last years balance				52.97
"	" By balance due by Trustee	\$882 89			52.97
1854	To paid negro hire		1215		
May	" " Ellsworth & wife under decree		241 05		
Octo 12	" " James Magrett judgment of		6870		
Nov 21	" " appraisers		200		
"	" " James Sebell bond		373		
"	" " Thomas Harvill for work		200		
Aug 11	" " for John C. Turners Coffin		2500		
"	" " for shoes for negroes.		500		
"	" " Colericks ticket		20		
"	" " Commissioners Shands		1000		
Dec 31	By interest on last years balance				52.97
"	To Balance due by Trustee	\$513 06			
		\$882 89	882 89	10594	
1855	By bal: due by Trustee brought down		\$513 06	105.74	
Dec 31	" Interest on last years balance				30.78
"	By balance due by Trustee brought down		\$513 06	136.72	
"	" Interest brought in			136 72	
"	By balance due by Trustee with		\$649 78		
	Interest on \$513.06 part thereof				
	from the 31 st day of Decr 1853				
	all paid.				

Respectfully Submitted, Henry S. Howard, Clerk.

" B. "

John C. Turner

In account with John M. Gurley, Trustee.

			D.	C.	Int.
1847		To paid Britz wife for year	400 00		
Dec 31		By balance due Trustee		400 00	
			400 00	400 00	
1852		To balance due Trustee brought down	400 00		
June 22		By cash from sales of personal est.		1017 37	
		To Commissioners in same	30 86		
		" paid Taxes	20 53		
		" " John M. Gurley bond &c	63 09		
Dec 31		To interest on \$400.00 - 5 years to date	120 00		
"		" Balance due by Trustee	362 89		
			1017 37	1017 37	
1853		By balance due by Trustee brought down		362 89	
Dec 31		" Interest in same to date			21.77
1854		By balance by Trustee brought down		362 89	21.77
		To paid negro hire	12 15		
May		" " Ellsworth & wife under decree	241 03		
Oct 12		" " James Majette judgment	68 70		
Nov 21		" " appraisers	2 00		
"		" " James Sobell bond	3 73		
"		" " Thomas Harrison for work	2 00		
Aug 11		" " for John C. Turner's Coffin	23 00		
"		" " Shores for negroes	5 00		
"		" " Clarke ticket	2 00		
Dec 31		" " Commissioners Shares	10 00		
Dec 31		By Interest in last years balance			21.77
"		" brought in		43 34	43.34
"		To balance due by Trustee all interest	36 60		
			406 43	406 43	
1855		By balance due by Trustee John M. Gurley		36 60	
Dec 31		Dec 31. 1853, all Interest			
		Respectfully Submitted, Henry S. Howard, Clerk.			

Nancy Turner wife of John C. Turner & others

against
John M. Gurley

In Chancery

Commissioner's Office

Jerusalem, April 26th, 1856

To the Circuit Court of Southampton County

Pursuant to a decree of the Circuit Court of Southampton County rendered on the 7th day of November 1833, in a suit in Chancery pending in the said Court between the abovesaid parties, the undersigned one of the Commissioners of the said Court, to whom was referred for settlement by said decree an account of the Transactions of John M. Gurley as trustee of John C. Turner, reports to the Court that on the 23rd day of February last (1856) he issued notices against the several parties aforesaid, requiring them to attend the settlement of the said account at his office on the 17th day of March 1856, which were acknowledged as served by the Counsel for the parties, plaintiffs and defendant. The parties appeared before your Commissioner by Counsel in obedience to the said notices (and the taking of the said account was adjourned to the 14th day of April Instant (1856). At which time the parties aforesaid again appeared before the Commissioner by Counsel and he thereupon proceeded to settle and state the said account of John M. Gurley's Transactions as trustee of the said John C. Turner, but there being a controversy about one of the items or claims of the Trustee for \$400.00 which he claimed to have paid for the said John C. Turner in the year 1847, the Commissioner has stated the said account two ways as marked "A." & "B." In the Account "A" he has omitted the said claim of \$400.00 and stated

and settled the same to the 31st day of December 1853, &
on that day finds a balance due the said John C.
Turner from the said John M. Guley of \$649.78,
of which balance \$136.724 is interest. In the Account
"B." the said claim of \$400.00 as paid in the year 1847, has
been allowed, & the Account stated & settled up
to the 31st Decr. 1853, and on that day the said
Commissioner finds a balance due the said John
C. Turner from the said John M. Guley of \$36.60
all interest. The Commissioner examined John Bar-
ham & W^m J. Goodwyn in relation to said account,
whose examinations or depositions are herewith returned.
The Commissioner stated the said account two
ways at the instance of the Counsel for the
parties. The Commissioner further reports to the
Court that after the completion of the said account he
retained the same in his office ten days for the
examination of the parties, which account or accounts
"A" & "B." together with the said decree, notices and
examinations of John Barham & W^m J. Goodwyn, is
herewith returned. Given under my hand as
Commissioner aforesaid this 26th day of April
1856.

Commissioner's fee 10.00 }
Charged to plaintiffs }
Comms.

Henry S. Commissioner.

2806
 1500
 9000
 250
 340

Turner
 to } Deed Gift
 Spark

Turner
 to } Exhibit with Bill
 Carley
 A Copy
 A

for 50 cents

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 29 30 31 32
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 65 66 67 68
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 89 90 91 92
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This Indenture made and entered into this nineteenth day of July in the year of our Lord one thousand eight hundred and forty two between John C Turner of the County of Southampton and State of Virginia of the first part; and William A Sparks of said County of the second part. Witnesseth that whereas the said John C Turner is anxious after the payment of his just debts to provide a comfortable support for himself wife and children and to provide as far as he can against the casualties which might deprive them of the means of such comfortable support. Now this Indenture therefore witnesseth that in consideration of the above recited premises and also for the further consideration of one dollar to him in hand paid by the said William A Sparks the receipt whereof he doth hereby acknowledge he the said John C Turner hath given granted bargain sold aliened, enfeoffed and confirmed and by these presents for himself and his heirs doth give grant bargain sell alien ^{enfeoff} release and confirm unto the said William A Sparks his heirs Executors and administrators all his Estate both real and personal of whatsoever nature or kind or interest he may have therein with all and singular the appurtenances therunto belonging. To Have and to hold the same unto him the said William A Sparks his heirs Executors and administrators forever On Trust Nevertheless for the following use and purposes to wit first for the payment of all the just debts which are now due and owing by him the said John C Turner and for the use and benefit of him the said John C Turner during his natural life for the support of himself and family and after his death the said Estate both real and personal to be divided as follows one third thereof both real and personal to be held and enjoyed by Nancy the wife of the said John C Turner during her natural life and after her death the same to be equally divided among the children of the said John C Turner who may then be living and the heirs of such as may die leaving children lawfully begotten to be divided per stirpes and the other two thirds to be equally divided between

The children of the said John C Turner who may be living at
his death and the heirs of such as may die leaving children lawfully
begotten to be divided per stirpes and the said William A Sparks
doth hereby covenant and agree with the said John C Turner that
he will stand seized and possessed of the real and personal
estate hereby conveyed for the special uses as herein declared,
and expressed and none other in witness whereof the parties
have hereto set their hands and affixed their seals the day and
year first above written

John C Turner
Wm A Sparks

Warrhampton County IN the Clerks Office the 18th day of
July 1842 This Deed of Trust from John C Turner to
William A Sparks was acknowledged by the said Turner and
Sparks parties thereto and admitted to Record

Teste J. R. Edwards Clk
A Copy
Teste J. R. Edwards Clk

B

Turners

w. } Exhibit with Bill

Gusley

John C Turner grantor of a deed of Trust.

In account with John M Hurley the Trustee.

1852		\$	Dr.	cts	\$	Dr.	cts	Intst.	\$	cts	
June 22	By cash from sales of personal estate				1017		37				
	To Commissions on \$ 1017. 37 cts. at 5 per cent			50		86					
	" paid taxes			20		53					
June 22	" paid John M Hurley bond			63		09					
	" Balance			882		89					
					1017		37		1017		37
Dec 31	By Balance due the grantor						882		89		
1853	" interest on last years balance										52.97
Dec 31	By balance due grantor						882		89		52.97
1854	To paid negro hire			12		15					
May	" paid Ellsworth & wife a decree			241		05					
Oct 12	" paid James Magill judgment			168		70					
Nov 21	" paid James Lebrill bond			3		73					
	" paid appraisers			2		00					
	" paid Thomas Harrison for work			2		00					
Aug 11	" paid for Jno C. Turners coffin			25		00					
	" paid for shoes for negroes			5		00					
	" paid blacks ticket					20					
Dec 20	By interest on balance of last year to this time										51.50
	To Commissioners fee retained			10		00					
	" Balance			513		06					
					882		89		882		89
	By Balance						513				06
	" interest brought in								104		47
Dec 20	By balance due the grantor Turner with interest on \$ 513. 06 cts part thereof from this time						617				53

The Commissioner states specially that the deed of trust was executed on the 19th of July 1842 by the said John C Turner conveying his property in trust for his own use and benefit during his lifetime and then over to other uses, that the debts which

were contracted prior to the execution of the deed had to be paid and that the property was sold for that purpose. all the debts paid in the above account were due prior to the execution of the deed or contracted for the benefit of the estate. Some accounts were presented but not allowed on account of want of proof. All of which is respectfully submitted by.

William B. Shands Comr

Jno. M. Gurley excepts to the Commissioners report because he has not allowed him a payment of about \$400. made to Brith and asks that the account may be recommitteed. July 13th 1855.

Chambliss & Mapenbury Atty's
for Jno. M. Gurley.

Attest.

Teste.

L R Edwards Ck