

1857-126

SOUTHAMPTON COUNTY
CHANCERY PAPERS

TURNER VS. JOYNER ET UX et al

4/1857

other surnames:
Wilson, Story

Turner

W. J. Bill, about
 Turner to them

1856 Nov. Doc. as filed

1857 Mar. Report.

" Apr. " Confm?

To the worshipping County Court of Southampton
County in chancery sitting. November
Term 1856.

Humly complaining sheweth unto
your worship your complainant Nathaniel
H. Turner that Nathaniel Turner died
many years ago in this County after having
duly made and published his last will and
testament which was duly admitted to
record in the County Court of Southampton.
A copy of which will is herewith filed for an exhibit
That by the said will a tract of land
lying in this County containing by estimation
one hundred and eight acres was given to
his widow Rebecca Turner during her life
and at her death it belonged equally to
the children of the said Nathaniel Turner.
That Rebecca Turner has lately departed
this life - That the following are the
children of the said Nathaniel Turner, to-wit,
your complainant, Thomas Turner, Jesse
Turner, James Turner, Nancy wife of Henry
Jugner, Mary wife of Lewis Wilson, and
James L. Rebecca and Eldridge R. Story
children of Elizabeth Story a daughter -

Your complainant desires that the said
land should be divided amongst those entitled
but as that would be impossible to do in
kind from the smallness of the tract, he asks
that it should be sold and the proceeds
divided amongst them - A division in kind
would be entirely impracticable and the
share of each is not worth \$300. - All
of the parties are of full age except Eldridge
R. Story who is an infant. In tender
consideration of the premises and in as

Much as your complainant is without
remedy save in this worshipping Court
it is prayed that Henry Joyner & Nancy
his wife, Lewis Wilson & Mary his wife,
Thomas Turner, Jese Turner, James Turner
and Rebecca, James S. Reed & Eldridge
R. Story be made parties defendant to this
bill - That a guardian ad litem be appointed
for Eldridge R. Story who with all of the
other defendant, shall make true and
correct answer to this bill - That your
Worships will decree a sale of the tract
of land on which the late Rebecca Turner
died seized and possessed and which belongs
to her during her life, and a division
of the proceeds of said sale amongst the
parties entitled, and that your Worships
will decree such further & general relief as
equity may dictate & they well may pray
Cobb p.g.

The joint & separate answer of James Turner,
Thomas Turner, Jese Turner, Henry Joyner & Nancy
his wife, Lewis Wilson & Mary his wife, and
James S. and Rebecca Story to the foregoing
bill.

These defendants, saving themselves from
all censure of just exception to said bill & saying that
that they admit the facts stated therein to be true
and desire that the prayer shall be granted
having answered pray to be hence dismissed
Cobb for debt.

The answer of Eldridge R. Story by L. R.
Edwards his guardian ad litem to the
foregoing bill - This defendant saving

and recovering of L. R. Edwards to said bill
says that being an infant he is advised he
cannot bind himself by any admissions he
may make, and therefore submits his interests
to the care & protection of this ^{Worshipful} Court &
having answered pray to be hence dismissed
L. R. Edwards for P.

Eldridge R. Story

Thomas Turner, James Turner, Jese Turner, Henry
Joyner & Nancy his wife, Lewis Wilson & Mary his
wife, and Rebecca and James S. Story, and
Eldridge R. Story his guardian ad litem.

This cause this day was docketed by
consent of parties and of the Court, and came
on to be heard by like consent on the bill,
answer, and exhibit, and was argued by
Council on consideration whereof the Court
doth adjudge, order and decree that Robert
S. Jones who is appointed a Commissioner for
the purpose, after giving reasonable notice of the
time and place of sale, sell to the highest
bidder on a credit of six months (except so
much as may be necessary to defray the expenses
of this decree and said sale) the tract of
land on which the late Rebecca Turner
widow of Nathaniel Turner died resided at
the time of her death containing by estimate
one hundred and eight acres - That he take
from the purchaser ^{due} bond in equal
amounts, with approved security, and pay over
one each, to Thomas Turner, James Turner, Jese
Turner, Henry Joyner & Nancy his wife & Lewis Wilson
& Mary his wife, ^{for the remaining seventh and pay}
over one each to James S. and Rebecca Story
and that he return the remaining
bond belonging to Eldridge R. Story with his
report to this Court. That he execute a deed

to the purchaser with special warranty,
and that he make a report of his proceedings
to this court in order to a final decree.

Turner

~ } Co. David

Turner & P

Southampton County Court November Term 1856-

Nathan H Turner

against

Plff

} In Chancery

Thomas Turner. James Turner. Jesse Turner. Henry Joyner & Nancy his wife.
Lewis Wilson & Mary his wife & Rebecca & James L. Story and Eldridge R Story
by L.R. Edwards his guardian ad litem

Defts

This cause this day was docketed by consent of parties and of the Court and came on
to be heard by like consent on the bill, answers and exhibit and was argued by Counsel
On consideration whereof the Court doth adjudge, order and decree that Robert S Jones
who is appointed a Commissioner for the purpose, after giving reasonable notice of the
time and place of sale, sell to the highest bidder on a credit of six months (except so
much as may be necessary to defray the expenses of this decree and sale) the tract of
land on which the late Rebecca Turner widow of Nathan Turner did reside at
the time of her death, containing by estimation One hundred and eight acres - that he
take from the purchaser six bonds in equal amounts each for one seventh of the
purchase money after deducting expenses, with approved security and pay over one,
each, to Thomas Turner. Nathan H Turner. James Turner. Jesse Turner. Henry
Joyner & Nancy his wife & Lewis Wilson & Mary his wife, and that he take three
bonds with like security for the remaining seventh & pay over one each to James L.
and Rebecca Story and that he return the remaining bond belonging to Eldridge
R Story with his report to this Court. That he execute a deed to the purchaser with
Special Warranty to the purchaser - And that he make a report of his proceedings
to this Court in order to a final decree.

Belks Cash \$3.44

Attest

Rec'd paid payment

Teste

L.R. Edwards Clk

A. J. Howard DC.

Rept. of R.S. Jones
Comptroller

1857 March 6

To The Honourable County Court of Southampton
County in obedience to the within Decree... I proceed
after reasonable notice to sell at the Branchville
Depot: at 12 o'clock M, on Wednesday the 21st the
December. 1856. at public auction the within tract
of Land on the Terms specified in said decree.

Purchased by Peter Edwards for \$111⁰⁰50

Expenses

Commissions \$5⁰⁰57

Clerks Fees 3⁰⁰00

Attorney Robts Fee 10⁰⁰00

To P. M. Thomas, Auctioneer, 2⁰⁰50

21 51

To be divided in 4 parts

\$89⁰⁰99

Two of which is respectfully submitted.

January 1st 1857

Robt. S. Jones (Commissioner)

Peter Edwards & Co
Bond

J L 29
Am 25th June 1839

41.29

On Demand the 28th day of June eighteen
hundred and Eighty seven. we or either of us do hereby our
Selves our Exrs. and Admrs. to pay to Robert D. Jones. Comptroller
the just and true sum of Four dollars and Seventy nine
Cents. current money, that being one third part of one seventh
part of the net proceeds of the sale of Land belonging to
the estate of Nathan Surger, decd. due to Eldridge R. Storrs
mtrsp, our hands and seals this 31st day of December 1836

Edw. Church Seal
J. E. Briggs Seal

Nathan Turners
Will

Turner

to } Exhibit with Bill

Turner

In the name of God Amen I Nathan Turner of the County of Southampton and Parish of Saint Lukes being in sound mind and memory do make this my last Will and Testament in manner and form following to wit, first and principally I bequeath my soul to Almighty God who gave it me and for worldly goods I dispose of them as follows, Viz,

Item 1st I lend unto my beloved wife Rebecca Turner during her natural life, my old negro man named Aaron one bay horse, two first choice of Cows & Calves. 2 first Cows of Sows and twelve pigs. Beds and furniture two pine chest one chest of draws, one walnut Table, one small trunk, all my crockery ware, one set of knives and forks, all my kitchen furniture, four hundred pounds of pork, fifteen barrels corn, two blade stacks of Fodder, all my fowls, and after my wifes death I wish and desire for this above named Property to be sold to the highest bidder and the money arising from such Sale to be equally divided between my six youngest children namely Elizabeth Turner, Annaliza Turner, Thomas Turner, Sally Turner Susan Turner & Nathan Turner.

Item 2nd I give and bequeath unto my son Jesse Turner one bed and furniture one cow & calf one Sow, one painted chest one pine table which he has now in possession, to him and his heirs forever.

Item 3rd I give and bequeath unto my son James Turner one bed and furniture one cow and calf, one breeding Sow, one chest, one pine table which he has now in possession, to him and his heirs forever.

And the balance of my perishable property I wish and desire to be sold, and all my just debts paid out of the money arising from such Sale and the surplus of money if any be equally divided between my six youngest children before named.

My further wish and desire is for my piece of land containing 108 acres to be sold to the highest bidder and the money arising from the Sale of the land to be put in my Executors hands and for him to purchase with the said money a suit able piece of land for my Wife and Children to live on.

Lastly I do constitute and appoint my friend John C Turner my Executor to this my last Will, making void all former Wills heretofore made by me. In testimony whereof I do hereunto set my hand and affix my seal this eighteenth day of December in the year of our Lord one thousand eight hundred and twenty four. Signed, Sealed and acknowledges in presence of

Henry Moore
Richard Moore

Nathan Turner (Seal)

At a Court held for the County of Southampton on the 21st February 1825

This will was presented in Court by John C Turner the Executor therein named proved by the oath of Henry Moor and Richard Moor the witnesses thereto and ordered to be recorded And on the motion of the said Exor. who made oath according to law, certificate is granted him for obtaining a probat thereof in due form on his giving bond and security Whereupon the said John C Turner together with Benjamin Turner and James Ponell for his securities entered into and acknowledged their bond in the penalty of two thousand dollars conditioned as the law directs.

Teste

James Rochelle Clk

Attest

Teste I R Edwards Clk