

1860-124

SOUTHAMPTON COUNTY
CHANCERY PAPERS

TURNER

VS. TURNER. + al

7/1860

other SURNames: Briggs

Turner
or Σ
Turner's

Bid

To the honorable County Court of Southampton
County
in chancery -

Humbly Complaining sheweth unto your
Honors before Orator James Turner (son of James Tur-
ner sen^r deceased) that his said father lately departed
this life, to wit in the year 1838, intestate, and seized at
the time of his death of a small tract of land - The
said James Turner deceased, left ~~at~~ his heirs at law,
his widow, Ann Turner and six children to wit, your
Orator the said James, John Turner, Richard Turner (who
are adults) and Edmund Turner, Wm Turner and Eliza-
beth L. Turner (the three latter minors). The said tract
of land is nearly if not quite all the estate of the said
last named parties, is of small value and incapable
of division among the parties. - Your Orator is con-
vinced therefore for a sale of the said tract of land, ex-
cepting of course the widow's dower, which he prays
may be assigned to her in kind - that the balance
may be sold and the net proceeds paid over according
to law. ~~that the said Ann - John - Richard - Edmund - William~~
~~and as an duty bound to sell on pay &c.~~
and Elizabeth L. Turner (the three latter by Wm W. Briggs sher-
iff, as guardian ad litem) may be made ~~parties to this bill~~
parties dependant to this bill - compelled to answer &c -
grant such other general relief as equity may dictate &c.
and as an duty bound your affidavit on pay &c.

And I kindred
hij

(456.)
Turner

or Σ

Turner's

Dance

1859. Oct. Dance as filed &
Nov. Reports, & Dance as
filed.

The separate answer of Ann - John - Richard Edmund - William and Elizabeth L Turner (the three latter by Wm W. Biggs, who is appointed their guardian ad litem) to a bill filed against them in the County Court of Southampton County, by James Turner.

These defendants answering severally ^{and separately} ~~severally~~ answer say that they have no objection to the decree prayed for by the said James Turner but on the contrary that they do dislike it. And having answered may be here dismissed.

Most kindred
J L

Turner vs Turner's - Decree -

This cause this day, came on to be heard on the bill, the answer and the replication thereto, and was argued by Counsel: On Consideration whereof, the Court doth advise, order and decree that Benja L. Haller, Wm Turner - James R. Joyner, Wm A Joyner and David H. Thomas (any three of whom may act) taking with them if necessary a competent Surveyor, assign to Ann Turner, widow of James Turner deceased, one third in value of the real estate of which the said James Turner died seized, ^{lying in this County} as her dower - and report to this Court in order to a final decree. ~~And~~ The Court further orders and decrees that Charles Beale, who is hereby appointed a Special Commissioner for that purpose, sell at public auction, at some public place in said County, or on the premises, the residue of the said tract of land, ^{including the reversion and remainder of the said dower} on a reasonable credit, having duly advertised the same - That he take six bonds in equal sums, for the nett proceeds from the sale of said land payable to himself the said Commissioner, ~~and report to this~~ with sufficient personal security - and return the said bonds to this Court, with his report; ~~in order to a final decree.~~ But the said Commissioner Beale is not to proceed to the execution of the said

Cross until he shall have given in the clerk's office of
this County, bond with sufficient security, in the penalty of
Six hundred dollars conditioned for the faithful per-
formance of this decree.

456

Turner

MS

Turner

Decease

To be entered

Number Cont 59

1859 November

1860 June Ref.

July Ref. Confm.

Blk. fee paid 15-

John Longest

William Rogers Clerk

Turner
or
Turner

Decease

This Cause came on this day to be again heard on the papers formerly read together with the report of Mr. A. J. Ogden & others Complainants to assign dower and on the report of Special Complainant Charles Beale, to which reports there being ^{and argued by counsel} no objection the same were ~~are~~ ^{are} hereby confirmed, ~~the Court doth as judge, order and decree that~~ Charles Beale who has already given security, proceed to collect the six bonds in his report mentioned so soon as they may fall due and that upon the payment of the same he execute to ~~the~~ ^{James T. Turner} the said purchaser a deed with special warranty for the said land in the proceedings mentioned. — that the said Beale pay such further necessary legal expenses as may accrue in this cause and and pay on the next balance as follows, to wit: one sixth to James Turner — one sixth to John Turner — One sixth to Richard Turner — one sixth to Elizabeth L. Turner — one sixth to William Turner and the other sixth to Edwin Turner.

And the said Beale is ordered to report to this Court in order to a final decree.

Turner

Nov

Turner

Report of Comd

1859 Nov.

November 4th 1858

We the undersigned
being appointed by the Court have this
day laid off Ann Turner's Corner of
the real Estate ^{of} Jas Turner Dec^d lying in
the County of Southampton and bounded
as follows to wit.

Beginning at a Hickory
tree in Rich. Harris' Land thence north
to an apple tree. Thence down apple tree
row to a white Oak in Spring Branch.
Thence south west up the Spring Branch
to a pine near the head said Branch.
Thence south west to a small dogwood
in W^m J. Turner's Land. Thence south
east to ^{the} fruit station. Supposed to
be twenty acres with all the improvements
all of which is respectfully submitted

Wm. A. Wagner

William J. Turner

David H. Thomas

Turner
H. J.
Turner

Charles Beale's Report

1859 November

To the worshipful County Court of South -
ampton County -

The undersigned, appointed a special Commissioner to sell the residue of the land of which James Turner dies seized, after the assignment of dower to his widow, begs leave to report as follows -

That he sold the land to the highest bidder at auction on the 16th day of November 1859 having complied with the decree entered in the cause at the last term of this Court (the title of the suit Turner vs Turner) and Wm T Turner became the purchaser at the sum of three hundred and nine dollars -

That after paying the expenses of sale &c which is \$38.45 cents - he took six bonds from the purchaser for \$45.09 cents each with good security to the same, which are herewith returned -

Respectfully Submitted
Wm T Turner
November County Court 1859.

Turner

by

Turner

Comr's Report

1860 June

To the worshipful Gentlemen of Smith
ampton County - In charge -

The undersigned, a commis-
sioner appointed by the County Court of said County
in ~~Turner vs Turner~~ to sell the real estate
in the proceedings mentioned - to collect
the purchase money - and to make deed to
the purchaser of a decree at the November
term of said Court A.D. 1839 directed by
leave to report that he has complied with said
decree in all its provisions and submits the
the further following report.

Amount of Sale of Sale \$309.00 \$309.00

Expenses.

Paid Nathan S. Thomas, Clerk	\$2.00	
Attorney's fees	25.00	
Clerk's fees -	5.00	
Commissions retained	15.18	\$47.18
Nett Balance		<u>\$261.82</u>

Due James Turner	\$43.63 $\frac{2}{3}$	
Due John Turner	43.63 $\frac{2}{3}$	
" Richard Turner	43.63 $\frac{2}{3}$	
" Elizabeth L. Turner	43.63 $\frac{2}{3}$	
" William Turner	43.63 $\frac{2}{3}$	
" Edwin Turner	43.63 $\frac{2}{3}$	\$261.82

May 21st 1840 ~ Respectfully Submitted
Reports to rate
Commissioner

Kindred
Receipt
to
Beale Com^{rs}

Received May 21st 1860, of Charles
Beale Contingent appointed by the
County Court in Turner vs Turner's,
Twenty five dollars in full for
professional services.

Wm I. Kindred
Att. at Law

JR Edwards
Receipt

To
Beale Com^r

Charles Beakes Com^d Turner or Turner

No

To Clerk Southampton County

Dr.

May To fees in suit for sale of Turners Land

95.00

L.R. Edwards Cky

Turner

to { Comm. Board

Turner

Know all Men by these Presents, That We Charles Beale &

Benj. B. Hindred

are held firmly bound unto the Commonwealth of Virginia, in the just and full sum of
Six hundred Dollars, current money of Virginia, to the payment
whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and
severally, firmly by these presents. Sealed with our seals, and dated this 31st day of
October A. D., 1859.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

Charles Beale as Commissioner appointed under a decree of the County
Court of Southampton County entered at the October Term. 1859. in the suit
of James Turner. against Ann. John. Richard. Edmund. William &
Elizabeth Turner

shall faithfully discharge the duties of his said office or trust, according to law, then the above obligation
to be void or else to remain in full force and virtue.

Signed, Sealed and delivered }
in the presence of ~~the Court~~ }

Charles Beale { SEAL }

Benj. B. Hindred { SEAL }

{ SEAL }

{ SEAL }