

1881-22

Southampton County Chancery -

Turner, Edwin D. (et als) vs Turner, William & Ella

Settlement of property -

Harrison, John

" , Frances

Turner, Virginia

" , Maria

Britt, John

" , Rebecca

in faulx: by
Edwards, L. R. (G. AL)

Turners vs Turners.
— Petition of —
Edwin Turner.
— " —

1879 Nov 7th

To the Hon. George Bloor,
Judge of the Circuit Court of South-
ampton County - In Chancery.

Your petitioner, Edwin^D Turner,
of Southampton County, respectfully petitions
and shews unto your honor as follows:
That in pursuance of a decree of this Court,
entered at the November term 1878, in the suit
of Turners vs Turner, two certain tracts of land
whereof Edwin^D Turner died seized and poss-
essed were ordered to be sold by W. W. Briggs,
as special Commissioner - which said two
tracts were supposed to contain $48\frac{1}{2}$ and 59
acres respectively -
That in pursuance of said decree the said
Commissioner proceeded to sell the said two
tracts of land and reported to the Court that
R. S. Pope became the purchaser, which said
report was confirmed, as your petitioner is
informed, at the May term of this Court, 1879,
Now Your petitioner respectfully and solemn-
ly alleges and assures your honor that the
said purchase so made by the said R. S. Pope,
was expressly, by agreement between your pe-
titioner and the said R. S. Pope, intended to be
made and was made for and in account of
Your petitioner, notwithstanding said real estate
was bid off by said Pope -
Your petitioner has, ^{since} repaid or returned to the

said Pope the whole amount of the cash payment stated in said Report to have been paid made by the said R. S. Pope to the said Commissioner, in pursuance of said Agreement between your petitioner and said R. S. Pope and has also paid to said Pope the additional sum of about seventy five dollars on account of said two tracts of land - and is now ready to pay the residue of said purchase money to the said Pope whenever it may be required -

Yet the said Pope, notwithstanding his said Agreement with your petitioner, that your petitioner should have the said two tracts of land and that the Deed from the said Commissioner Briggs should be made to your petitioner, now refuses to allow said Deed to be made to your petitioner, in accordance with the solemn Agreement between ~~between~~ the said Pope and your petitioner.

Your petitioner also represents and states to your honor, that in pursuance of the Agreement before alluded to, he has always, ever since the said sale by said Commissioner, been in possession of the said two tracts of land and is still in possession -

Your petitioner, therefore, prays that your honor will refuse to order a Deed to be made to the said R. S. Pope, as such order would be injurious to the rights of your petitioner ^{and a fraud} who,

in equity and justice ought to have the Deed
made by said Commissioner to your petitioner.
For, your petitioner is advised that he is entitled
to have the specific performance of the Contract
between himself and the said R. S. Pope, and
prays that your honor will make an order
directing a Commissioner in chancery of this
Court to take and report all such evidence
as may be produced by your petitioner for the
purpose of establishing his right to have such
Deed. And grant such other relief as equity
may dictate and the nature of the case may
require.

And, as in duty bound, your petitioner will
ever pray &c.,

Wm. H. Parker,
for petitioner.

This day personally appeared before me
Edwin D. Turner, who made oath & that
above petition is ~~being~~ correct

Given under my hand as Clerk in
Chy for the Circuit Court of South
ampton County - Nov. 6th 1879

J. Schell
Clerk in Chy

Turner

as 3 Bill

Turner

1877 October Rules

* of lands in for sample one containing
acres and the other 5.8 acres

In tender consideration whining

And inasmuch as your orators are
without relief at law and only
entitled to full relief in a court of
equity where such matters are
particularly cognizable they therefore
pray that William and Ella Turner
two infants by some fit and proper
person their guardian ad litem
appointed for that purpose may be
made parties defendant to this bill
and that the court would consider
them as full and perfect persons
make to the allegations therein
contained as if they had been
more fully and specially interrogated
and that the court would divide
the said tract of land among the
said parties or if a division cannot
be made that the same may be
sold and the money divided among
them and that the court would
grant such other and general
relief the premises considered as equity
may dictate and the nature of
this case may require and as in
duty bound your orators will
ever pray etc

Shenando J. S.

Executed by delivering Burra Sima Russell
& Sarah A Russell each a copy of this Summons
on the 2^d day of September 1880

W. C. Driggs Siff

Russell

o { Sima. Ch.

Russell

1876 September Ruby

Prinice Aug.

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Southampton County.---GREETING:

We Command You to summon ^{Senia} Burrow ~~Line~~, Frances, & Sarah ~~et~~

Russell

to appear at the Clerk's office of our Senia Court for Southampton County, at the Rules to be holden for the said Court on the first Monday in September next to answer, a bill in Chancery exhibited against them in our said Court by Jno S Russell.

and have then there this writ.

Witness: Littleton R. Edwards, Clerk of our said court, at the Court-House this 24th day of August 1880 in the 105th year of the Commonwealth.

LR Edwards cc

Times

Answers
as 3 ^{to} infants

Times

1877. October Rules

The action of William and Ellen
Turner two infants of tender years
by L. R. Edwards their guardian ad
litem to a bill in chancery in the
Circuit Court of Southampton by
Edison D. Turner and others against
them

This defendant for answer to
the said bill or as much thereof
as he is advised it is material for
him to answer, answering says
that he knows nothing of the
allegations of the plaintiffs bill but
submits the interests of his wards
to the care of this court whose
peculiar duty it is to protect the
rights of infants and having
fully answered prays leave to be
dismissed with his costs in
shence for
infants

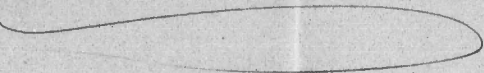
L. R. Edwards For ad litem

Appoint R. S. Pope James M. West and
Rich S. Kells Comm

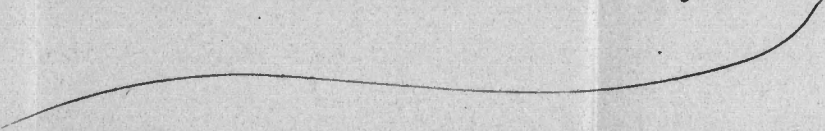
The Commonwealth of Virginia:

TO THE SHERIFF OF SOUTHAMPTON COUNTY....GREETING:

WE COMMAND YOU TO SUMMON *William Turner and Ella
Turner (two infants)*



if.....to be found within your bailiwick, 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 *October next* to answer *a bill in
Chancery exhibited against them in our said Circuit Court by Edwin
A. Turner, John Harrison and Francis his wife, Virginia Turner,
Maria Turner, John Gull and Rebecca his wife.*



and have then there this writ.

Witness, **Littleton R. Edwards**, Clerk of our said Court, at the Court House
this *29th* day of *September* 1877, in the *102nd*
year of the Gommonwealth.

L. R. Edwards *Clerk*

Jurnett

as } Sumt

Jurnett

1877 October Rules

The Commonwealth of Virginia:

TO THE SHERIFF OF SOUTHAMPTON COUNTY....GREETING:

WE COMMAND YOU TO SUMMON *William Turner and Ella
Turner (two infants)*

if.....to be found within your bailiwick, 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 *October next* to answer *a bill in
Chancery exhibited against them in our said Circuit Court by Edwin
D. Turner, John Harrison and Francis his wife, Virginia Turner,
Maria Turner, John Sutt and Rebecca his wife.*

and have then there this writ.

Witness, *Littleton R. Edwards*, Clerk of our said Court, at the Court House
this *29th* day of *September* 1877, in the *702nd*
year of the Gommonwealth.

L R Edwards C.C.

The Commonwealth of Virginia:

TO THE SHERIFF OF SOUTHAMPTON COUNTY...GREETING:

WE COMMAND YOU TO SUMMON *William Turner and Ella
Turner (two infants)* _____

if _____ to be found within your bailiwick, 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 *October next* to answer *a bill in
Chancery exhibited against them in our said Circuit Court by
Edwin D. Turner, John Harrison and Francis his wife, Virginia Turner,
Maria Turner, John Ditt and Rebecca his wife.*

and have then there this writ.

Witness, Littleton R. Edwards, Clerk of our said Court, at the Court House
this *29th* day of *September* 1877, in the *102nd*
year of the Commonwealth. *L R Edwards Clk.*

Recd. this 13th day of May 1880 from the
Clerk of the Circuit Court the Bond
filed in this cause due by ^{dated} Pott & Pope and
John N. Sebrall for \$184.00 ~~due~~ the 17th. of
November 1878

W W Briggs Comt

Sum
in 3 Reports
Sum

1879 May

In obedience to a decree of the Circuit Court of
 Southampton County in the Chancery suit of Turner
 against Turner, &c rendered at November Term 1838,
 I advertised according to the directions of
 said decree, the two tracts of land in the pro-
 ceeds mentioned, containing forty eight and one half,
 & fifty nine acres, and sold the same to the highest
 bidder in the Town of Jernam, on the 3^d Monday
 in December 1848, and at the sale so made, Robert
 S. Pope, became the purchaser, by bidding therefor
 the sum of two hundred & fifty nine dollars,
 and the said Rob^t S. Pope paid in cash the
 sum of seventy dollars, and executed his bond
 for the balance of purchase money (to wit) one hundred
 & eighty nine dollars payable twelve months after
 date carrying interest from date, which bond is
 herewith returned. And out of the cash payment
 of seventy dollars, I paid cost of suit and sale
 as follows; Clerk of Court \$5.85. Comm^r \$3.00
 Auctioneer \$5.00 My Commission \$12.95. Paid Com^r
 Shavers Atty \$20.00 Making total costs \$56.95 leaving
 a balance in my hands of \$13.05 Shurden 10⁵/₁₀₀ dollar

Respectfully Submitted

W. W. Briggs Com^r

May 1st 1849.

5.85
 3.
 5.
 12.95
 20.
 56.95
 70.
 13.05

Turnus

as 3 Commissioners
Report
Turnus

1875) April 29th

We the undersigned Commissioners who were appointed by the decree of November term 1877 to divide two tracts of land belonging to the estate of Edwin Turner decd, one containing $4\frac{1}{2}$ acres and the other 59 acres into Seven shares among the heirs at law of the said Edwin Turner, or if the same could not be divided. to report the fact. We have to report, that we have been on the said lands and examined them carefully and are well acquainted with them. living in the neighborhood, and we think that partitions cannot conveniently be made, and we could not allot the said land to any one of the parties, who would pay the other parties the full value of their interest, they all being negroes and very poor. And we think the interest of all parties would be promoted by a sale of both tracts included, we do not see that anything else can be done as so far as we know of the parties have no estate but their interest in these lands and some indian land which cannot be sold now, All of which is respectfully submitted by

James R. Hunt
Robt S. Pope
James R. Kello

Commissioners

Commissioners fees
\$1 each

Summ

as 3 Decm

Summ

May term 1899

To be entered

Geo. Blow.

Term

25 3 Decem
Term

This day this cause
came on again to

be heard on the papers formerly and the
report of W. W. Briggs sheriff of Southampton
of the sale made of two tracts of land
in pursuance of a decree of the November
Term 1878 of this court and to which
report no exceptions have been filed and
was argued by counsel. On consideration
whereof the court doth adjudge, order
and decree, that the said report be
confirmed

Turner
vs
Turner } Decree

This day this cause came on to be again heard on the papers formerly read, and the petition of Edwin D. Turner, filed during the term, and was argued by Counsel.

On consideration whereof, the Court doth adjudge, order and decree that a Commissioner of this Court inquire and report all the evidence necessary to shew the Court to whom it shall order Commissioner, W. H. Briggs, to make a Deed for the two tracts of land named in the said Turner's petition, - whether, to him or to R. S. Pope. And leave is hereby granted to said Pope to file his answer to said petition at any time before a final decree in this cause.

Summers

23 Dec

Summers

Nov Dec in 1881

To be entered.

Geo. Blod

Turner

vs 3 Deere
Turner vs

This day This cause came on again to be heard on the papers formerly made and the report of Commissioner W W Briggs made at this time ~~and~~ pursuant to a decree entered at this May term 1880 and to which report no exceptions have been filed and was argued by counsel. On consideration thereof the court doth adjudge, order and decree that the said report be confirmed and it appearing to the court that there is nothing further to be done in this cause it is ordered that the same be removed from the docket.

Turner,
against } Report
Turner's

1881 Nov. Circuit Court

In obedience to a Decree of the Circuit Court of South
ampton County rendered at May Term 1880 in the
Chancery suit of Turner against Turner, I collected
the bond filed in the suit, due by R S Pope, and after
paying ^{out} distributed the balance in my hands to the
Parties according to the directions of said decree, and
took their receipt therefor, as will be by Statement herewith
filed marked A, as a part of this Report; I also
executed a Deed with Special Warranty, to R S Pope
the Purchaser of the land.

Respectfully Submitted

W C Driggs Bond

Nov 7th 1881

Turner
in 2 Report
Turner &c

Statements A

W.W. Biggs Comr
 1880, In acc with Edwin Turners heirs
 July 17. By amt received of R.S. Papez
 on Bond & Int 3 202.40
 " amt in hands of Comr 13.05
 To Clerks fees 6.07
 " amt retained to pay 3
 for Executing Deed to 5.00
 Balance 204.38
\$215.45 \$215.45

By balance due heirs
 which is to be divided in
 six equal parts \$204.38

1/6 of \$204.³⁸ due Edwin D Turner. \$34.06
 1/6 of \$204.³⁸ due Francis Harrison \$34.06
 1/6 of \$204.³⁸ due Virginia Turner. \$34.06
 1/6 of \$204.³⁸ due Maria Turner \$34.06
 1/6 of \$204.³⁸ due Rebecca Britt \$34.06
 1/6 of \$204.³⁸ due the Guardian of 3
 Wm Turner 3 \$34.06

\$204.38 \$204.38

Received of W.W. Biggs Comr the above amount
 due as per statement, July 17, 1880.

Edwin D. Turner
 Edwin D. Turner Conforton Turner
 Virginia Turner
 Maria Turner
 Rebecca Britt
 Francis Harrison

Turner
vs 3, Deere
Turner

This day This cause
came on to be heard
on the plaintiffs bill

The answer of the two infants
defendants by L. R. Edwards their
guardian ad litem and general
replication thereto and was argued by
counsel on consideration whereof the
Court doth adjudge order and decree
James M. West Robert S. Byrnes and
Richard Kells who are hereby
appointed special commissioners for
that purpose shall after reasonable
notice to the parties interested proceed
to divide the two tracts of land whereof
Edwin Turner dies, seized and possessed
~~into some equal shares~~ ^{having regard to quality and quantity} and
59 acres into some equal shares and
allot one share to Edwin D. Turner, one
share to John Harrison and Francis his
wife, one share to Virginia Turner, one
share to Maria Turner, one share to
John Britt and Rebecca his wife one
share to William Turner and one
share to Ella Turner employing if necessary
a competent surveyor to assist them
and report their proceedings to court

But if the commissioners should find
a division of the said lands impracticable
and that the interests of the parties
would be promoted by a sale let them
so report in order to a further decree

Sumner

as 3 above

Sumner

Nov. 1877

To be entered

Geo. T. Blaw.

James
2d
James

Southampton Circuit Court, November Term 1877.

Edwin D. Turner, John Harrison & Francis
his wife, Virginia Turner, Mariash Turner,
John Britt & Rebecca his wife. Plffs
against

William & Ella Turner, Dfts

This day this Cause came on to be heard on the Plaintiff's
bill, the answer of the Infant defendants by J.R. Edwards their
Guardian a litore, & general replication thereto & was argued
by Counsel; On Consideration whereof the Court doth adjudge,
Order & decree, that James R. Whit, Robert S. Kope, ^{Richard} ~~James R.~~
Kella, who are hereby appointed Special Commissioners
for that purpose, shall after reasonable notice to the
parties interested proceed to divide the two tracts of
Land whereby Edwin Turner died seized & possessed,
One containing 48 1/2 acres, & the other 59 acres, having regard
to quality, & quantity, into seven equal shares & allot
One share to Edwin D. Turner, One share to John Harrison
& Francis his wife, One share to Virginia Turner, One
share to Mariash Turner, One share to John Britt
& Rebecca his wife, One share to William Turner &
One share to Ella Turner, employing if necessary,
a Competent Surveyor to assist therein & report their
proceedings to Court. But if the Commissioners
should find a division of the said Land imprac-
ticable, & that the interests of the parties would
be promoted by a Sale, let them so report in Order to
be further decreed.

A Copy

Teste, Jas R. Tyler D.C.

Turner
vs 3 Decr
Turner

This day This cause
came on again to
be heard on the
papers formerly

made and the report of James R West
Robert S Pope and James R Kells
commissioners appointed to divide the land
whereof Edwin Sumner died seized and
possessed among his children and to
which report no exceptions have been
filed and was argued by counsel for
consideration whereof. The court doth
adjudge order and decree that the said
report be confirmed and it appearing
from the said report that the land cannot
be divided among the heirs the court
doth adjudge order and decree that Mrs
W Briggs Sheriff of Southampton shall
after having given at least thirty days
notice of the time and place of sale at
Jamaica proceed to sell at public
auction to the highest ^{bidder} at Jamaica on
some county court day the two tracts
of land whereof Edwin Sumner died
seized and possessed one containing $48\frac{1}{2}$
acres and the other 59 acres on the
following terms to wit sufficient cash
to pay the costs of this suit and sale
and the balance of the purchase
money on a credit of twelve months
taking from the purchaser bond with
approved security carrying interest
from the day of sale obtaining the

till notice the further order of this
court and return the bonds along with
his report in order to a further decree

Sumner
as 3 Decree
Sumner

May Term 1878

to be entered

Levi B. Brown

Southampton Circuit Court, May Term 1880.

Turner & Clark

Plffs

against

Turner & Clark

Defts

In Chy

This day this Cause came on again to be heard on the papers formerly read, and Edwin S. Turner having withdrawn his petition in this Cause, and consenting that a Decree shall be made in the premises, Robert S. Pope and it being suggested that Ella Turner one of the infant Defendants has departed this life since the last order entered in this Cause, and her estate having been committed to Wm. W. Briggs Sheriff of Southampton for administration it stands as to her revived in the name of her administrator. And it appearing to the Court that the money due to her from the Sale of this land should be divided equally among her surviving brothers and Sisters. Therefore the Court doth a decree order and decree that W. W. Briggs withdraw the bond of \$184. executed by Robert S. Pope and John N. Petrell from the Papers in this Cause and collect the same, executing a Decree

with Special warranty to Robert
 S. Pope, the purchaser for the two
 Tracts of land one containing
 48 1/2 acres and the other 59 acres
 of land, and divide the said
 sum along with the sum of
 \$13.05 its now in his hand into
 six equal parts, and pay one sixth
 to Edwin D. Turner one sixth to Francis
 Harrison, one sixth to Virginia
 Turner one sixth to Maria Turner
 one sixth to Rebecca Britt and one
 sixth to the lawful Guardian of
 William Turner and return his
 receipts along with his Report to
 Court in order to a further decree.

A Leaky Teste:

Edwards per J. B. Og

J. R. Edwards C. C.

Turner & others
 vs. } Decree
 Turner & others

60000
 60000

34 06
 2 25
 31 81

33
 31.81
 1.19

Sumus

to 3 Decm

Sumus

To be entered

(May June 1880

Geo. B. Loh

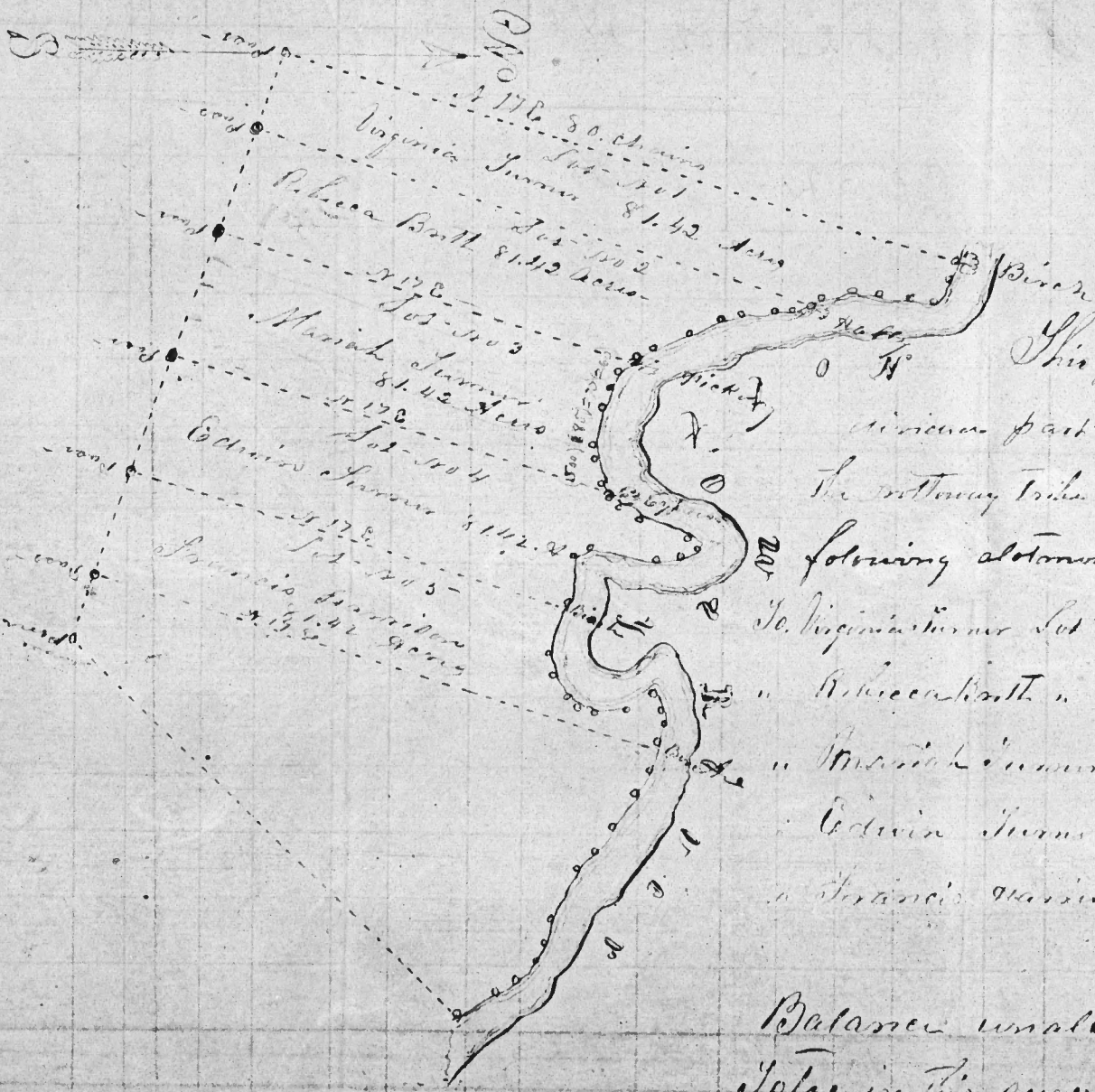
Turner.

as 3 Decree

Turner

This day this cause came on again to be heard on the papers formerly made and Edwin D. Turner having withdrawn his petition in this cause and consenting that a deed shall be made to the purchaser Robert S. Pope and Ella Turner one of the infant defendants ^{it being suggested that} having departed this life since the last order entered in this cause and her estate having been committed to Wm W Briggs sheriff of Southampton for administration it stands as to her moves in the name of her administrators and it appearing to the court that the money due to her from the sale of this land should be divided equally among her surviving brothers and sister therefore the court doth adjudge, order, and decree, that W. W. Briggs withdraw the bond of \$184 executed by Robert S. Pope and John W. Selous from the papers in this cause and collect the same executing a deed with special warranty to Robert S. Pope the purchaser for the two tracts of land one containing 48 1/2 acres and the other 39 acres of land and divide the said sum along with the sum of

\$13.00 is now in his hands into six
equal parts and pay one sixth to Edwin
J. Turner, one sixth to Frances Harmon
one sixth to Virginia Turner, one sixth
to Maria Turner, one sixth to Rebecca
Brill and one sixth to the lawful
guardian of William Turner and return
his receipts along with his report to court
in order to a further decree



This plot represents the un-
 dermentioned part of the lands belonging to
 the Wetmore Tribe of Indians, of which the
 following allotments have been made
 To Virginia Turner Lot No. 1. 81.42 Acres
 " Rebecca Borth " No. 2 81.42 " "
 " Mariah Turner " No. 3 81.42 " "
 " Edwin Turner " No. 4 81.42 " "
 " Francis Harrison " No. 5 81.42 " "

40710
 Balance unsold 16240
 Total in this survey 57050

J. B. Rice Surveyor

In the Circuit Court of Southampton County

Edwin D Turner, John Harrison & Frances his wife, Virginia Turner, Maria
Turner, John Britt & Rebecca his wife Plaintiffs

against
William Turner & Ella Turner Defendants

1877 Sept. 29th Summons issued

" Oct R. Summons ret. Bill filed. S R Edwards assigned Gen ad
litem to infant Deft. Ansⁿ of infants, Gen. Rep

" Nov " Cause set for hearing &c

" " J. Decree &c

1878 May " Report & decree for sale

"

1879 May Report &c

" Nov Rep. of E. D. Turner. Decree &c

1880 May J. Decree to collect &c

147 ~~63~~ ~~64~~ ~~65~~
~~58~~ ~~64~~ 39
~~64~~

Turners

to } Stat. Rules

Turners