1909 - 75 | Southampton County Chancery | Norris, E.J. et al | vs | Stith, Fred Est et als

Real Estate to be sold and proceeds paid to those entitled

Norris, B.L.

Faircloth Jurius Comr Est
Turner, Pierce
Stith, Joanna
Turner, Balgie
Bradshaw, Sarah E.
Bradshaw, Richard
Turner, Mary
Turner, F. Percy
Turner, Robert
Turner, Sarah
Turner, Frank B.

E. J. v. C. & S. Ry. Co.
vs.
Pierce Turner & Adams
et als.

Bill of Complaint.

1898. 2 pm Sept 8 Rules filed
T. A. Clay C.C.

IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

To the Hon. Robert R. Prentis,

Judge of the Circuit Court of Southampton County, Virginia:

Your complainants, E. J. Norris and B. L. Norris, her husband, humbly complaining, show to the Court:

That Pierce Turner departed this life intestate in June 1892, leaving your complainant, E. J. Norris, who was Turner, and seven other children, as follows: Joanna Stieh widow of Fred Stieh, who was Turner; Ralgie J. Turner; Sarah E. Bradshaw the wife of Richard Bradshaw, who was Turner; Robert Turner and Frank B. Turner his children and only heirs at law, and a widow, Sarah Turner. That said deceased was possessed of a considerable personal estate, consisting of corn, fodder, meat, pork, hogs, cattle, horses or mules, and other stock; household and kitchen furniture, farming implements, and many other things such as are usually possessed by a good farmer; and died seized and possessed of a good farm situate in the County of Southampton in the state of Virginia, containing 140 acres, more or less, and which adjoins the lands of Wm. Faircloth, Thomas Turner, Wm. Drake, Richard Bradshaw and others near the Quaker Church in said county.

That at the July term 1898 of the county court of said county Junius Faircloth was appointed and allowed to qualify as the administrator of said estate, but so far as your orator is informed has done nothing; certainly he has not sold any property nor paid any debts.

That said widow and some of said children have been in possession of all said property, real and personal, occupying and cultivating said land since the death of said Pierce Turner, and are still doing so, and have consumed a great deal of said personal property; another portion thereof is worn out, or dead or consumed in the use, and that your complainant, E. J. Norris, has had no part of said property, nor has she had any part of the rents and profits arising thereon, in fact,

no advantage of any kind has accrued to your said complainant upon said property since the death of her said father.

Your complainants are advised that they are entitled to have their share in said property, and that it is necessary to have said personal estate administered and settled in order to ascertain the interest of the parties respectively; that said tract of land cannot be partitioned in kind amongst the parties thereto entitled without serious and material loss.

For as much as your complainants are remediless save in this honorable court, where such matters are alone and properly cognizable, they pray that said Junius Faircloth, administrator of Pierce Turner, deceased; Joanna Stieh widow of Fred Stieh, who was Turner; Ralgie Turner; Sarah E. Bradshaw, who was Turner, and Richard Bradshaw, her husband; Mossy M. Turner; F. Percy Turner; Robert Turner; Sarah Turner, and Frank B. Turner, the last named being an infant under the age of twenty one years, be made parties defendant to this suit and required to answer the same, but an answer on oath is hereby expressly waived, that a guardian ad litem be appointed to defend the interest of said infant, who shall also answer this bill; that the personal estate of said Pierce Turner, deceased, may be fully administered, his debts ascertained and paid according to law; that said tract of land be sold and the proceeds paid to those entitled; that the party or parties who have taken, used or consumed any of the personal Turner may be required to account and pay for the same, and that the proper parties be required to pay a fair compensation for the use and occupation of the said land since the death of said Pierce Turner; that the dower of said widow, Sarah Turner, be set aside and allotted to her; that all necessary inquiries may be directed, accounts taken, stated and reported to court; that all such other further and general relief may be afforded your complainants as the nature of their case may require or to equity and good conscience may seem meet; that all reasonable and proper counsel fees may be allowed the attorney or attorneys representing the complainants. And your complainants will ever pray, etc.

Wm S. Holland, p. q.

J. J. Norris & Son Alley.
J. L. Norris
R. L. Norris

Morris et als

vs.

Turner et als

Submissions books.

Executed

J. W. Williams

1/2 Lbs

(10)

OFFICE OF JOS. B. PRINCE, JR.,

Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.

Courtland, Va., February 27th 1901. 189

To E. J. Norris and R. L. Norris, her husband,) Plaintiffs.

vs.

Junius F. Faicloth, Admr., or Pierce Turner, decd., Joanna Stith, widow of Fred Stith, who was Turner, Ralgie J. Turner, Sarah E. Bradshaw, who was Turner, and Richard Bradshaw, her husband, Mossy M. Turner, F. Percy Turner, Robert Turner, Sarah Turner, widow of Pierce Turner, decd., and Frank B. Turner, the last an infant under the age of 21years by William Shands his guardian ad litem.

2101

You are hereby notified that I have fixed upon the 26th day of March 1901 ~~next~~ if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit:

1st:- Whether or not there are any liens on the land in the bill and proceedings mentioed, or any interest therein, and especially if there are any ### delinquent taxes chargeable to said land, and if so the amount of such delinquent taxes, together with the interest thereon according to law ?

2nd:-The annual and fee simple value of the land, subject to the widow's dower ?

3rd:-Which of the parties to this suit has had the use and occupation of the said land since the death of the said Pierce Turner, together with a fair valuation or compensation for such use and occupation ?

4th:-Any matter deemed pertinent by the commissioner or any party in interest.

required to be taken by a decree of Southampton Circuit Court, rendered at the April term, 1899, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

Jos. B. Prince Jr, Commissioner.

To the Sheriff of Southampton County to execute.

Richard Bradshaw

I acknowledge legal service of this notice

Richard Bradshaw

March 20 - 1901

Service of Notice on all of the Parties at Time of Signing & Delivery

Sept Sheriff

OFFICE OF JOS. B. PRINCE, JR.,

Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.

Courtland, Va., February 27th 1901. 189

To

Richard Broadhead

2 lots

~~25th~~ day of March 1901

You are hereby notified that I have fixed upon the ~~same~~ day of ~~same~~, if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit:

In the suit E.J. and R.L.Norris vs. Stith et als.

1st-Whether or not there are any liens on the land of which the late Pierce Turner died seized and possessed, or any interest therein, and especially if there are any delinquent taxes chargeable to said land together with the interests therein according to law ?

2nd-The annual and fee simple value of the said land subject to the widow's dower therein ?

3rd-Which of the parties to this suit has had the use and occupation of the said land since the death of the said Pierce Turner, together with a fair valuation or compensation for such use and occupation ?

4th-Any matter deemed pertinent by the commissioner or any party in interest.

required to be taken by a decree of Southampton Circuit Court, rendered at the April term, 1899, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

J B Prince Jr, Commissioner.

To the Sheriff of Southampton County to execute.

Sarah E. Bradshaw

I acknowledge legal
service of this notice
Sarah E Bradshaw
March 20-1901

OFFICE OF JOS. B. PRINCE, JR.,

Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.

Courtland, Va., February 27th 1901.

To

E. E. Morris and R. L. Morris, her husband, Plaintiffs.

vs.

Junius F. Faircloth, admr. of Pierce Turner, decd., Joanna Stith, widow of Fred Stith, who was Turner, Ralgie J. Turner, Sarah E. Bradshaw, who was Turner, and Richard Bradshaw, her husband, Mossy M. Turner, F. Percy Turner, Robert Turner, Saran Turner, widow of Pierce Turner, decd., and Frank E. Turner, the last an infant by William Amanda, his guardian ad litem.

21st March, 1901.

You are hereby notified that I have fixed upon the _____ day of _____, if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit:

1st:- Whether or not there are any liens on the land of which the late Pierce Turner died seized and possessed, or any interest or share therein, and especially if there are any delinquent taxes chargeable to said land, and if so the amount of such delinquent taxes, together with the interest therein according to law.

2nd:- The annual and fee simple value of said land, subject to the widowis dower therein ?

3rd:- Which of the parties to this suit has had the use and occupation of the said land since the death of said Pierce Turner, together with a fair valuation or compensation for such use and occupation.

4th:- Any matter deemed pertinent by the commissioner or any party in interest.

April 4th

required to be taken by a decree of Southampton Circuit Court, rendered at the _____ term, 1899, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

J. B. Prince, Jr.

_____, Commissioner.

To the Sheriff of Southampton County to execute.

E. J. and R. L. Norris

vs } Decree.

Sheriff et als

To be entered

April 4th. 1899

Robert L. Prentis

Virginia:

In the Circuit Court of Southampton County.
April Term 1899.

E. J. Norris and R. L. Norris, her husband
vs.
Joanna Stich, widow of Fred Stich, who was Turner, Ralgie J. Turner, Sarah E. Bradshaw, who was Turner, and Richard Bradshaw, her husband, Mossy M Turner, F. Percy Turner, Robert Turner, Sarah Turner and Frank B. Turner, the last being an infant under the age of twenty one years.

This Cause Came on this day to be heard on the original and amended bill, taken for Confessed as to the adult defendants, on whom process has been duly served, they Since failing to appear, plead, answer or demur, on the answer of Wm. Shands, guardian ad litem, to the infant defendant duly appointed at rules, with general replication thereto, and was argued by Counsel

On Consideration whereof, the Court doth adjudge, order and decree that F. B. Joyner, R. B. Joyner, F. E. Beale, Richard Bradshaw Sr. F. W. Scott, who are hereby appointed Commissioners for the purpose, any three of whom may act, do go upon the land in the proceedings mentioned, of which the late Peirce Turner was seized of an estate of inheritance during his marriage with the said Sarah Turner,

Widow of the said and allot to the said Sarah Turner, Widow of the said Pierce Turner, by metes and bounds, one equal third part in value of the said land as her dower therein, and if for the performance of their duties under this decree it becomes necessary in the opinion of the said Commissioners who shall act hereunder, they are authorized and directed to employ a Competent Surveyor, who shall lay off the said land, or such part thereof as may be necessary, and make a plat thereof. And the said Commissioners are directed to report their proceedings hereunder to the Court. And that one of the Commissioners of this Court shall make, take, state and report the following enquiries and accounts:

First — Whether or not there are any liens on said land or any interest therein, and especially if there are any delinquent taxes charged to said land, and if so, the amount of such delinquent taxes, together with the interest thereon, according to Law?

Second — The annual and fee simple value of said land, subject to the Widow's dower therein?

Third — Which of the parties to this suit has had the use and occupation of said land since the death of said Pierce Turner, together with a fair valuation or compensation for such use and occupation?

Fourth — Any matter deemed pertinent by said Commissioner or party in interest

A Copy.

Teste: L. A. Guy C.C.

Commissioner's Office. Courtland, Va.
March 21st, 1901.

To the Circuit Court of Southampton County:-

Pursuant to a decree of the Circuit Court of Southampton county, entered at the April term, 1899, in the Chancery cause of A.J. and R.L. Norris v. Stien et als, the undersigned, one of the commissioners of said Court, to whom was referred for settlement the account callled for by said decree, reports to Court, that on the 27th day of February, 1901, he issued notices against the several parties hereto requiring them to attend the settlement of said decree at his Office on the 21st day of March, 1901, which notices were returned to your commissioner duly executed and acknowledged.

In pursuance to said decree your commissioner reports as follows:-

First:-That there are no delinquent taxes chargeable against Pierce Turner, or his estate, nor are there any other liens.

Second:-That the fee simple value of the tract of land of which Pierce Turner died seized and possessed, subject to his widow's dower therein is, as near as your commissioner can estimate same, about five hundred dollars, and the annual value subject to the widow's dower is about thirty dollars.

Third:-That since the death of Pierce Turner, Sarah Turner, his widow, has had the use and occupation of the premises, and that thirty dollars a year would be a fair valuation or compensation for such use and occupation.

The depositions of several witnesses taken in making this

report ~~are~~ filed herewith as a part of this report.

Respectfully submitted,

Jos. B. Prentiss Jr.
Comm. in Chy.

Commissioner's fee $15.

The depositions of R.L.NOrris and others taken before me, Jos.B.Prince, jr., a commissioer in chancery for the Circuit Court of Southampton county at the Office of J.B.Prince, jr., in Courtland, Va. on the 21st day of March 1901, between the hours of 10 A.M. and 5 P.M. to be read as evidence in a certain suit in Equity depending in the Circuit Court of Southampton county, wherein Norris et als are plaintiffs and Seeln and otners are defendants.

Witness R.L.Norris being duly sworn deposes as follows:-

Q. State your name, age, residence, occupation and are you ane of the parties to this suit ?

A. 35, Southampton county, farmer, and one of the parties plaintiff to this suit.

Q. Are you acquainted with the tract of land of which Pierce Turner died seized and possessed ?

A. Yes, I am tolerably well acquainted with it.

Q. Please state the annual and fee simple value thereof ?

A. Annual value about $75, and the fee simple value about $7 an acre, and there are 140 acres, making $980.

Q. What do you think is the annual value subject to the widows dower, that is to say, what would be a fair rent for the tract of land outside of the widow's dower ?

A- I think from the way that they cut it off it ought to be worth $40.

Q. Who has had the use of that tract of land sine the death of Pierce Turner in 1892 ?

A. Mrs. Turner, my wife's mother, who was the widow of Pierce Turner.

Q. State how or why she has had the use of it, if you know ?

A. Mr. Turner died and left her and there and no one has taken it up, Of course she went ahead in possession of it as her

2.

year ?

husband did before.

Q. Did you, or your wife, ever agree in any way for her to use the land witnout paying any thing therefor ?

A. I never had anything to do with it in any way.

Q. And my wife did not so far as I know.

Q. You say there is 140 in all, how much arable, or open land, is there ?

A. I couldn't tell you to save my life, there is a two horse crop.

Q. Do you mean to say that since the death of Pierce Turner they have been cultivating a two horse crop on that tract of land all the time ?

A. They have had two horses a part of the time and the balance I know not. The last two years I know nothing of how many horses years they have kept.

Q. Up till two years ago and since the death of Pierce Turner now many horses were worked on that land ?

A. Two was all I know of.

Q. Cross examination.

Q. Mr. Norris have you seen the farm since the widow's dower was assigned to her and do you know what part of it has been assigned as dower ?

A. No Sir I have't been on the farm since, and all I know about the widow's dower was what the commissioners told me.

Q. Have you seen the commissioners' report.

A. Yes I saw it, kinder glanced over it.

Q. Are you prepared to state that you know what part of the farm is the widow's dower ?

A. Only by what the commissioners told me, nothing by what I saw myself.

Q. Could you swear to the court of your own knowledge that the farm outside of the widow's dower would fairly rent for $40 a

a year ?

A. If what the commissioners have told me be true I can.

Q. How many acres of open land is there left on the farm outside of the widow's dower?

A. I do not know.

Q. Is there as much as 20 acres.

A. Yes.

Q. As much as 30 acres ?

A. I could not tell you, any further than 20, because I do not know the acreage.

Q. How do you know there is as much as 20.

A. Well I have cultivated a portion of the field one year and I think there isas much as 20 if not more, but I will not be positive to the acre.

Q. Then I understand that having cultivated it you are familiar with it, that the commissioners have told you what partwas the dower land, do you still mean to say that having cultivated it, and knowing what part is the dower land that you have no idea how much open land is in the balance.

A- I can not tell you any nigher than I have.I have never known any surveyor to go on it.

Q. What is the condition of the land outside of the dower ?

A. I hane't seen the farm to be on it in 2 years.

Q. At the time that you were on it was it poor or rich, that part of it outside of the dower ?

A- It was neither one, it was neither rich nor poor.

Q. Wasn't it what is known among farmers in your section as what is "Crawfishy" land ?

A- I suppose there was as much as ten acres of it that way. which lies on the back end of the farm.

Q. What do you think 10 acres of such land ought to rent for a year?

A. It ought to be worth $2 a year.

Q. The bill states that Pierce Turner died in 1892, how far from the farm have you lived since that time ?

A. Not over 4 miles.

Q. You married Mrs. Turner's daughter, did you not go there frequently after his death and see that she was cultivating the farm ?

A. Yes Sir, I was there off and on till the last two years.

Q. Why have't you been there in the last two years ?

A. The reason that I haven't been for those two years was because that this suit was fetched on and they were mad with me and I don't visit where folks are mad with me if I know it.

Q. During the seven years that you went there after his death did you or your wife, so far as you know, ever say anything to Mrs. Turner at all about paying anything for using the land

A. I never said a word about it to her in my life.

Q. If there had been any understanding, or if it was expected that Mrs. Turner should pay rent for the place, why was it that you did not mention something to her about it during all those years ?

A. Well she made a statement at my house after his death that she wanted all the children to let it alone and not bother it at all.

Q. So you let it alone and did not expect to bother her at all as requested by her ?

A. Not at that time I didn't expect to bother her.

Q. Did you change your mind afterwards.

A. I did.

Q. Why was it that after she had grown more aged, and infirm, and when she needed more the care and protection and support of her children to whom she had given her best years that you should have changed your mind and should want to bother her?

A- I did it because my wife was as much an heir as the balance and that the things that were left at his death was being w

worn out and as there was no administrator it was supposed there was# no repponsible person. What I mean by that is this, That any one could use the things at their home and nobody would be responsible after gone.

Q. Then I understand that until you saw that every thing was worn out it was not the intention of yourself or wife so far as you know to botner your wife's mother with any claim for rent ?

A. Of course not,-not my intention.

Q. Did you bring the suit when you found out that every thing was being worm out ?

A. Yes,I fetched it after I saw it. I thought twas lawful that there should be an administrator.

Q. Then I understand that before you brought the suit that you and your wife, who did bring the suit, did not expect Mrs. Turner, your wifes mother, to pay for using it, but that after you saw that every thing was being worn out that you thought it was right ##### in law that you should bring the suit and you did it ?

A- Yes.

$$ Re- examination.

Q- When your wife's mother made that statement at your house did you or your wife promise her anything # in regard to the use of the farm ?

A- No.

Q. You have said on your cross- examination# something about things being worn out, have you heard one of your wife's brothers, Mr. Dick Bradshaw admit that he owed the estate $202 for money borrowed and had never paid it ?

A- All that Mr.Dick Bradshaw told me on the county road that he had the note in his possession and he could show it to anybody.

Q. When did you first learn about this note ?

A- It was long in last year about the time ## to commence to

make cider. Me and Richard Bradshaw came along together.

Q. After there was an administrator of the estate and before you and your wife brought any suit, did you not have information to the effect that many pieces of property did not go into his hands and that only a small part of the personal estate was accounted for to the estate ?

E. Counsel for defendant excepts to this line of examination on the groung that there is now pending in the Circuit Court of Southampton county an independant suit instituted by the witness and his wife, Emma J. Norris, as plaintiffs, which has for its purpose and object the settlement of the matters now being examined into, and are irrelevant in this controversy.

R. Counsel for plaintiff replies that on the cross examination of the witness he was asked to give reasons for changing his mind about not bothering the widow, and the object of this question is to bring out those reasons by showing there appeared to be a combined effort on the part of the otner heirs not to let the widow have it but to get the great bulk of the estate for themselves, and to the exclusion of the plainyiffs.

A- It seems to me that the things that were there were worn out and misplaced by some means and were gone and could'd be found. There was two appraisment, the first was a compromise appraisment and the last was appointed by the Court commissioners. The first was over $200 but I do not know as to how much over and the last one I think was $104.

Re-cross examination.

Q. Is it not a fact that this first appraisment of which you speak was made at your suggestion and instance while Mr. E.E. L.Watkins was acting in the capacity of your attorney and that you yourself were dissatisfied with it, dropped Mr. Watkins as your attorney and employed another?

A- Mr.Watkins went away to the war and never left any papers

showing what he was going to do. I did not drop Mr. Watkins until he left. As to being dissatisfied with the first appraisment I told when they commenced that if that was the way they were going on with the appraisment I wouldn't accept it as a compromise. All the heirs agreed to have it done, and selected men who were to do the appraising.

And further this deponent saith not.

Signature waived.

Witness E.J.Norris being duly sworn deposes as follows:-

Mrs. E.J.Norris daughte of Pierce Turner, and wife of R.L.Norris, age 40, after being duly sworn, deposes and says,

Q- Did you ever in any way agree or consent that your mother or your brothers and sisters or any of them should have the use of your father's land without paying anything therefor?

A- No I never said anything about it. None of them ever spoke to me about it.

Cross examination.

Q. Up until the time of this suit you didn't expect nor understand that your mother was to pay anything for using the land did you ?

A. Not that I know of I didn't think she was.

Q. I understand that your mother said to you that she didn't want her children to bother her about this land while she lived did you not at that time agree with her that so far as you were concerned it was not your intention to bother her with it while she lived ?

A- I disremember if I did.

Q- Don't you remember that at that time it was not your intention to bother her with the payment of any rent, and that feeling what you owed her as your mother you assured her that you would not bother her ?

A- I remember saying something to her about it but I don't re-

member what I said to her exactly at thattime.

Q- Remembering what your mother has done for you, and how she cared for you so many years, do you think now that she ought to pay you for the use of that farm since her husbands death and do you ask the Court to make her pay ?

E. Question excepted to by plaintiffs for reasons appearing on its face and because it calls for an opinion on a question of law in regard to th rights of this witness.

A- I don't think ~~she~~ ought to pay me for her dower. That part of her land outside of her dower I think she ought to pay for.

Q. Did you ever say anything to your mother about paying for the rent ?

A. No sir.

Q- Has she any means of her own to live on outside of that which her children give her and which she works for with her own hands?

A. Not that I know of.

Q- And you tell me that you want your mother, old and infirm as she is, to pay you rent for 20 acres of land when she has no other means of making a living besides that ?

A- The witness delayed some minutes and her counsel said to her, "Go ahead and answer, you have answered it once" and then the witness said, " I have answered it once."

Re-examination.

Q. Has not your mother and your other brothers and sisters had all the estate your father left so far ?

A- As far as I know they have.

Q- If your brothers and sisters would pay their mother what they owe the estate could she not live very well ?

A. I guess she could.

Q- Isn't it a fact that your mother was left with a farm , 2 horses a lot of corn and fodder, cows and hogs, and other things, and that if nobody had had the benefit of it but herself that she would have done as well since her husbands death as she did before

A. I think she would.

Q. If I understand you, you do not have so much objection to what she has had as you do to what she has allowed the other children, or somebody else, to take and use.

Is that not right?

A. She is welcome to every thing she has used for her benefit.

Re-cross-examination.

Q- You stated in you ~~x~~ reexamination that if your brothers and sisters would pay your mother what they owed that she would have enough to live on well, please name ######a single one of your brothers or sisters who owe her a single cent ?

A. Well I don't know as they owe her anything but they have been living there on the farm.

Q. Were not those minor children that lived with her on the farm and who worked and supported her, gave her her meat and bread and the clothes she wore ?

A- No they were not minor children, not all the time, nor all them all the time.

And further this deponent saith not.

(Signature waived)

Here it is agreed that some depositions taken on the 16th day of September 1899, pursuant to notice, when counsel for plaintiff could not be present, with the following understanding; that Mr. W.A.T. Turner, who is now present may be cross-examined and re examined, and that one of the heirs who then testified may be cross examined and reexamined and that said cross examination and re examination shall apply to the depositions of each witness who testified on Sept. 16th, 1899., this being a mutual agreement to save time.

Q. Mr.W.A.T. Turner you have just heard Mr.Sebrell read your evidence given in 1899 along with that of J.F. and William Faircloth, now will you please tell me how many acres, in the Pierce Turner tract of land?

A. I do not know how many acres there are in it.

Q. How many acres of arable land in# the whole tract ?

Mr.Sebrell interposes "you mean by that open land".

A. I really don't know how much it is but it is nothing but a small place.

Q. Please tell what you know about the line between the widow's dower and the other land.

A. Well I don't know much about it. I am a near neighbor but I don't go through there often.

Q. Do you know where the line is which separates the widow's dower from the other land, please do not tell what you have heard ?

A. No, sir, I don't know where it is.

Q. I understand you do not know where the line is running across the open line separating the widow's dower from the other land, am I correct ?

A. I don't know exactly where it is.

Q. How then Mr. Turner could you swear in Sept. 1896, that the land exclusive of the widow's dower was not worth as much as $18 or 20 per year, not knowing what land you were talking about ?

A. Well sir, why I said that, it was such poor land and wire grassy land you couldn't do much with it.

Q. Do you mean to say that the whole tract is so poor and so wire grassy that you can't do any thing with it ?

A. I mean that part where they said was outside of her dower.

Q. Do you mean they gave all the good land as dower and all the bad land to the children?

A. I mean it is always the best around the house and the widow always gets the house tract.

Q. What would have been a fair rent for the whole farm as Pierce Turner left it ?

A. About ~~$~~ $60 I reckon.

Q. What part does the widow get ?

A. I suppose she gets her 1/3.

Q. If the widow gets a third and the whole is worth $60 wouldn't 2/3 be worth $40.

A. I suppose I would rather have her third than the other 2/3 for tending land.

Q. How can you say that when you have twice sworn that you didn't know what part of the land was given to her ?

A. Well you told me not to tell ~~not~~ hearsay and just from I heard about it.

Q. Then what you swore to in Sept. 99 was based on what you heard?

A. Well I hadn't been exactly there to look at the line.

Q. Who told you anything about the line ?

A. Several of them told me about the line. The Turner boys, Ralgie and amongst them and that's all I have heard speak about it.

Q. Then all you said in Sept. 1899 was based on what you heard the Turner boys say.

A. I might have heard others speak of it but I don't recollect now. I know pretty much where the line is but as for saying exactly where the line is I can't do it.

Q. How were you told the line did really run ?

A. They told me it run across between Mrs. Turner's and where Ralgie lived.

Q. Do you remember anything else.

A. No I don't know as I do.

Q. How far was the Ralgie place from the Mrs. Turner's place.

A. It was all there in sight, maybe a quarter and a hald a mile.

Q. You just stated that they only told you the line ran between these two places would you like to correct that statement in any way, if so, do so.

A. No sir, I don't know as I would.

Q. Then according to the information which you had from Ralgie and the other boys was to come within a quarter or half a mile of the land, if that is not right please correct it.

A. I can strike the line in less than a quarter.

Q. You have said that you have never been there to see it, that you only know, or remember, what the Turner boys told you and they told you theland ran between these two places, and told you nothing else, were you stating the facts when you made those statements.

A. Well I didn't ask them particular where the line was. Yes I was stating the facts.

Q. Is it not open land between these two places.

A. Some open and some little branchy places about in it.

Q. You have said it was from a quarter to a half a mile between these two places, about how long is the field between these two places.

A. It is all there in sight, about 400 yards I reckon.

Q. Then have you told us Mr. Turner all the information you have about where this dower lies.

A. I think I have, sir.

Q. Then you mean to say that upon the information which you have given you believe that the commissioners gave the widow the buildings at the home place and more than two thirds of the open land in value, is that right.

A. Well I said I would rather have it.

Re-examination.

Q. You have stated that while you did not know exactly where the line was that it had been [redacted] to you by the children of Pierce Turner who owned the other part and that they had told you that the line ran between Mrs. Turner's place and Ralgie's place, did they give you an idea about what part of the field bewteen those two places the dower line ran.

Obj. Question objected to by plaintiff's counsel because lead-

ing and because the witness has positively and repeatedly stated that he has not told any thing about the line except that it ran between the Ralgie place and the home place, that his answers on this point have been repeated to him and he has been asked to correct them.

Re- Counsel for defendant replies that there is noting in this question nor in the answer expected which would conflict or be inconsistent with the testimony as given by witness but that it simply seeks more minute and specific information as to what was meant by witness when he said that the line ran between the places named.

No sir, because I didn't ask them no particulars about it.

Q. How do you know that the dower line then does not run right up to Mrs. Turner's yard.

Question and any answer thereto objected to because it does not relate to new matter and the defendants can not contradict their own witness.

A. I don't thik it does that.

Q. If the land, one third in value around the dwelling house in which Mrs. Turner lived, had been assigned as dower, is the other part of the land in your opinion (I mean the cultivated land) worth as much as $20 a year.

A. Yes I reckon it is.

Q. Then I understand you to mean that the commissioners in assigning dower so far as your information goes have given more than one third in value of the cultivated land.

Objected to because leading.

A. Well of course it is the best land out there around the house where she has got.

And furtner this deponent saith not.

Signature waived.

Mr. Ralgie Turner you have heard your deposition made by you in Sept. '99 read, now please state fully what you mean when you said there was no agreement between your mother and her children about the payment fot the use of the land?

A. I didn't think that she would have to pay rent for it, that's all I meant by it.

Q. You mean you did not think that any of the children could make her pay rent, is that right.

A- I don't know what they could do, but I don't think they ought to.

Q. Then I understand you to say that you do not know what they can do but you do not think they ought to and that that is all you meant by your evidence in 1899 which was read to you a few minutes ago, if this is correct say so, if not, please correct it.

Obj. Question objected to on the ground that witness has not stated that he did not believe from any of the facts and circumstances of the case that she should pay anything for the use of it, but has simply refused to express a legal opinion as to whether she ought to pay. The question asked by counsel for plaintiff inits effect precludes the witness from giving his reasons as to why he thinks she should not pay either from the relation of the parties or from the want of an agreement express or implied for the payment of rent. The witness has not stated that there was no reason why she should not pay except that he doesn't think that she ought not to pay.

A. It is as near correct as I know.

Re-examination.

Q. If there had been any agreement either express or implied between your mother and her children that she should pay rent then would you think she would or would not have to pay.

A. After they agreed not to bother her I don't think it is their business to come in and bother her now in her later days.

Q. Re-cross-examination.

Q. Did you ever hear any agreement between your mother and Mrs. A.J.Norris, if so state when and where, and who was present.

A. Nothing except what I have heard my mother say.

Q. Then you have never heard Mrs. Norris say anything about paying rent for this land.

A. I never heard her say any thing about it, only I heard her say she wanted the matterto stand as it was.

By the commissioner:-

Q. Who has been in possession, and who has had the use and occupation of this land, that is the land of which Pierce Turner died seized and possessed, since the death of said Pierce Turner ?

A. Mother.

Q. How many children are there of you who are entitled to this land, and are there any others so far as you know who have an interest init?

A. Eight of us, five boys and three girls, and nobody else so far as I know of.

And furtner this deponent saith not.

Signature waived.

Ejt R. L. Norris

v. } Report

Ditch et als

1901. 22nd March Filed

L. A. Hoy C.C.

The depositions of J. F. Faircloth ——— and others taken before me, Jos. B. Prince, Jr. a commissioner in Chancery for the Circuit Court for Southampton Co. at the office of J.B. Prince Jr. in Court land Va on the 16th day of Sept. 1899 between the hours of 9 A.M. & 6 P.M. to be read as evidence in a certain suit in Equity depending in the Circuit Court of Southampton Co, of Virginia - Due notice of the time ~~[illegible]~~ having been given as appears from notice here to annexed :—

The witness J. F. Faircloth being duly sworn deposes as follows:—

Q. State your name age residence occupation and do you know the parties to this suit

Ans. J. F. Faircloth - 32 — Southampton Co - Farmer - yes -

(2)Q - Are you familiar with the lands of which Pierce Turner died seized & possessed - and how far do you live from the same -

A yes - about a quarter of a mile

3)Q. What do you consider a fair value for the land subject to the widow's dower -

Ans. About 400 Dollars —

4)Q. What would you consider a fair annual value for such part of the land as has not been allotted to the widow as dower -

Ans Don't think it would rent for over $20. —

5)Q- What are the relative conditions of the farm at the time of the death of Pierce Turner and what it now is -

Ans - About the same now as at the time of his death -

6)Q - Who has been using the farm since the death of Pierce Turner -

Ans. His widow and minor children - ~~Percy~~ Percy Turner - Robert Turner - Frank Turner

7) Q - Are you related to any of the parties by blood or marriage - and have you any interest in the result of this suit -

Ans. None at all -

And further this deponent saith not

(Signed) J F Fairclothe.

The witness Wm Faircloth being duly sworn deposes as follows -

1) Q - State your name, residence, age, occupation

Ans - Wm Faircloth - Age 64 - Live within quarter of a mile of land in controversy - Farmer

2) Q - You have heard the testimony of J. F Faircloth - State whether or not you concur therein -

Ans - I do except rent - I think $15. or $18. would be sufficient -

3rd Q- What compensation if any would you think the widow should pay for the same since death of Pierce Turner, with your reasons for same.

Ans- I don't think she ought to pay anything- When he left her, he left her with several minor children, she is upwards of 65 and has taken care of the minor children and has kept the farm up.

And further this deponent saith not

William Fairdolle-

Witness W. A. T. Turner being duly sworn deposes as follows:

1st Q. State your name - age - residence and occupation

Ans W.A.T. Turner, 47, about a half a mile from the land - farmer-

2nd Q. You have heard the testimony of Wm Fairdolth & J.T. Fairdolth - state whether or not you concur therein and what you think a fair rental for the land exclusive of widow's dower-

Ans- Yes - only I think they have both got the rent more than I should like to pay.

And further this deponent saith not-

Witness J.B. Prince Jr. W. A. T. Turner

Witness Wm Lumford being duly sworn deposes as follows—

1) Q— State your age, residence and occupation

Ans 36 - Live on adjoining farm - Farmer

2) Q— What do you consider a fair yearly rental value for the land exclusive of dower —

Ans - $12 or $15 ——

And further this deponent saith not —

William Lumford—

Witness Ezra Drake being duly sworn deposes as follows —

1) Q—— State your age residence and occupation

Ans - 40 - live within mile of land in controversy - farmer —

2) Q— What do you consider a fair annual value of the land exclusive of dower -

Ans - I think $10 or $12 would be a plenty for it

And further this deponent saith not —

E. Drake

3) Q— What did you expect your mother to pay you for the use of the lands of your fathers' estate —

BX Ans- Nothing in the world —

4) Q— State whether or not there was ever any agreement either written or implied by which your mother was to pay the heirs for the use of the land

Ans- I understood That none of the parties were to bother as long as she lived. There was never any agreement express or implied to pay any rent for it - or for the use of it.

And further this deponent saith not —

Witness) H.B. Brinkley (his) Ralgie X Turner (mark)

Witness Mossy W. Turner being duly sworn deposes as follows:

X 1) Q— State your age - residence - occupation and are you the Mossy W. Turner mentioned in the Bill as heir of Peirce W. Turner deceased —

Ans- 28 — Southampton Co, farmer - Yes —

4) Q— State whether or not you ever expected your mother to pay for the use of the farm —

Ans- No —

3) Q— Was there ever any agreement express or implied between Mrs Turner and her children that she should pay anything for the use of the farm —

Ans- No Sir - there was not -

And further this deponent saith not

Witness) H.B. Brinkley. (his) Mossy W. X Turner (mark)

Witness Robt: Turner being duly sworn deposes as follows:

1) Q- Are you the Robt. Turner named in the Bill as one the heirs of Pierce Turner, decd.

Ans- yes-

2) Q- Was there any agreement ex press or implied so far as you know between your mother and her children that she should pay any thing for the use of the farm-

Ans- No, Sir-

3) Q- Did you ever expect her to pay any thing

Ans- No, Sir.

And further this deponent saith not-

Witness J. Thomas

his
Robt: X Turner
mark

Witness H.K. Drake being duly sworn deposes as follows -

Q- State age - residence - occupation

Ans - 19 — Not more than a mile from the land — former.

Q- What do you consider a fair rental for the Fences land excluding dower?

Ans - $12.00

And further this deponent saith not

H. K. X (his mark) Drake

J B Pruiett Jr (Witness)

Witness Mathew Turner being duly sworn deposes as follows -

Q- State your age - residence - occupation

Ans - 33 - about one half mile from land - former

Q — What do you consider a fair rental value of the land outside of dower -

Ans. Taking every thing into consideration I think $15. would be a plenty.

And further this deponent saith not

(Witness) J B Pruiett Jr Mathew X (his mark) Turner

Witness Richard Bradshaw being duly sworn deposes as follows:

1Q — Ans — State your age residence and occupation
37 — Southampton Co, and ~~comp~~ Farmer.

2Q — Did you not marry one of the heirs of Pierce Turner deceased -
Ans - Yes, his daughter Sarah Turner -

3Q - Please state so far as you know whether the heirs of said Pierce Turner dec'd - expected their mother Sarah Turner, widow of Pierce Turner dec'd - to pay any thing for the use of the land -

Ans - I don't think they did -

4Q — Did you expect any compensation to be paid to your wife by Mrs Turner -
Ans - Yes, Sir -

And further this deponent saith not -

Richard X Bradshaw
his mark

Witness J. B. Briscoe

Witness Ralph Turner being duly sworn deposes as follows -

1Q - State your ~~age~~ - residence - occupation and do you know the parties to this suit -
Ans - 32 - Southampton Co, farmer - Yes - I know the parties -

2Q — State whether or not you are the Ralph Turner who is a party to this suit -
Ans - Yes -

Norris et als.

vs. } Statement of Rents

Penrose's Admr's et als.

E. J. Norris and R. L. Norris her husband } Plaintiffs

vs.

Jennie F. Faircloth, admr. of Pierce Turner deceased, Joanna Stich, Widow of Fred Stich who was Turner, Reagie Turner, Sarah E. Bradshaw who was Turner, and Richard Bradshaw her husband, Mary M. Turner, F. Percy Turner, Robert Turner, Sarah Turner Widow of Pierce Turner deceased, and Frank B. Turner, the last is an infant under the age of 21 years } Defendants

1898. 12th. Sept. Process issued to 2nd. Sept. Rules.

1898. 2nd. Sept. Rules. Process returned executed. Bill and exhibits filed. William Shands appointed Gdn. ad litem to infant defendant. Decree Nisi vs. adult defendants.

1898. 3rd Sept. Rules. Answer of Gdn. ad litem filed. general replication. Bill taken for Confessed as to adult defendants and Cause set for hearing.

may require to be taken, stated and reported to Court.

A Copy.

Test: L. A. Gay Lt. Col.

(1)

(2)

(3)

(4)

E. J. & R. R. Morris.
vs } Copy of Decree
Jurors, Notice, etc.

Enrolled August 4th 96

Virginia: In the Circuit Court of Southampton County. April Term 1902.

E. J. & R. L. Norris

vs.

Turner's Adm'r et als

This Cause came on this day to be again heard on the papers formerly read, on the amended bill of the Complainants, leave to amend which having been heretofore given, and was argued by Counsel.

On Consideration whereof the Court doth adjudge, and decree that one of the Commissioners of this Court take, state and report to the next Term of this Court the following inquiries and accounts.

(1) Whether the Land in the bill can be partitioned in kind among the parties thereto entitled?

(2) If there are any liens on the same or any shares therein, including especially any delinquent taxes?

(3) Whether any party or parties in interest will take the whole and pay to all others interested a fair and reasonable price?

(4) Who and in what proportion are entitled to shares in the proceeds of sale in case of a sale.

(5) Any Matter deemed pertinent by the Commissioner or which any party interested

W. S. Hamed Sol.

E. J. & R. L. Norris

vs

Pierce Turner's admrs.

Bill of complaint

1899. 1 Apr. Rules filed.

L. A. Gay D.C.

Form No. 85.

Inv ners a dur. et als

adv. { ANSWER OF INFANT DEFENDANT.

Norris et, als.

Wm S Lands atts. at Law guardian ad litem.

1898. 3rd. Sept. Rules filed

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 35.

In the Circuit Court for the County of Southampton,

to wit:

THE ANSWER OF Frank B. Turner, an

infant under the age of twenty-one years, by Wm. Shands his guardian guardian *ad litem*, assigned to defend him in this suit, to a bill of complaint exhibited against himself and others in the Circuit Court for the County of Southampton, by E. J. & R. L. Norris and others.

The respondent, reserving to himself the benefit of all just exceptions to the said bill, for answer thereto, answering by said guardian *ad litem*, says that he is an infant of tender years, and by reason of such disability he is incapable of understanding, or of taking care of his rights and interests, he therefore commends the same to the protection of the court, and prays that no decree may be pronounced which will tend to his prejudice.

And having answered, the respondent prays to be hence dismissed with his reasonable costs, in this behalf expended; and he will ever pray, &c.

Wm Shands Guardian *ad litem*.

Wm S. Holland p. d.

OF } *ss.*

This day, ..., whose name is signed to the foregoing answer, personally appeared before me, ...

and made oath that the statements made therein, so far as they depend upon his own knowledge, are true, and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this ..... day of ..... 189....

.....

Courts:
Isle of Wight, Nansemond
and Southampton.

LAW OFFICE
—OF—
W. S. MOLLAND.

Windsor Station, Va., March 22, 1899.

My Dear Sir:-

Replying to yours of this date beg to say that I will ask you to cor rect the name if necessary as requested and change the memorandum to First April Rules 1899, and let the bill be then filed &c.

Let me have a card that will inform me of your action in this regard, if you please.

To L.A.Gay, Clerk Cir. Court
Courtland, Southampton CO. Va.,

Yours Very Truly,
Wm S. Molland

To the Honorable R.Prentis Judge of the Circuit Court of Southampton County, Virginia, in chancery sitting:

Your complainants E.J.Norris and R.L.Norris her husband respectfully shows to the court the following case:

That Pierce Turner died intestate in the county of Southampton in June in the year I892 leaving a large personal estate, that at the July term I898 of the county court of said county Junius F.Faircloth was appointed and allowed to qualify and did qualify as the administrator of the estate of the said Pierce Turner deceased, that said administrator has not settled the said estate.

Your complainants say that the widow and children of said Pierce Turner other than your complainant, E.J.Norris, who was Turner, have consumed, sold or wasted by far the greater potion of the said personal estate during the six years from the death of said Pierce Turner to the qualification of the said administrator, and that not more than about ten per cent of the said personal estate went into the hands of the said administrator, that the said administrator has taken no steps to collect from any of these parties pay for the property they have sold, used, consumed and destroyed, nor has the said administrator administered the small portion of the said estate which came into his hands.

Your complainant E.J.Norris says she is a child and distributee of the personal estate of the said intestate, and wishes the said estate fully administered under orders of this court.

For as much as your complainants are remediless in the premises save in this honorable court where such matters are alone and properly cognizable,they pray that Junius F.Faircloth administrator of Pierce Turner deceased may be made a party defendant to this bill and required to answer the same , but an answer on oath is hereby expressly waived as provided by the statute, that the said defendant may be required th settle the estate of the said Pierce Turner deceased and pay to your complainant E.J.Norris her share in the net proceeds of the said estate, that an account may be taken showing what personal estate was left by the said Pierce Turner deceased, and what has been done with the same, if any part thereof has been sold, used consumed, or wasted then by whom,together with the articles and value of what has been

thus sold, used consumed or wasted,? that all proper enquiries may be directed, accounts taken, and decrees entered as the nature of this case may require, that the said administrator be required to collect all money due the estate including pay for all articles of personal property left by the said intestate which has been used, consumed, destroyed or wasted by any party, that all such other and further general relief may be afforded your complainants as to equity and good conscience may seem meet. And they will ever pray &c.

Wm S. Hallard ----------p.q.

E. J. Norris by
Wm S. Hallard their atty.

($202.20)

Twelve months from date with interest from date I promise to pay unto Pierce Turner his heirs, executors administrators or assigns, the full & just sum of Two hundred & Two dollars & & twenty cents for value received, for the true payment of which I bind myself, heirs executors & administrators firmly by these presents and I herby waive the benefit of my homestead exemption as to this debt witness my hand & seal this 2nd day of October Eighteen hundred & eighty nine.

Witness

Fred. Stich

Richard Bradshaw
note for $202.20
due Oct 2. 1890

Received of Richard
Bradshaw payment in full
for this note

Sarah Turner
her
mark

Witness
J. F. Fairchild

March 28th 1899.

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.

Form No 17.

Norris Et Als

against { Executor of
Admr.

Turner's Admr. et als

To ..... Rules, 189 .....

1901. 4th appr. filed

L. A. Hay c.c.

JOHN N. SEBRELL, JR.,
ATTORNEY AT LAW,
COURTLAND, VA.

Norris et ux

vs.) Answer of Junius Faircloth, admr. of Pierce Turner, decd.

Turner et als.

To the Honorable Robert R. Prentis, Judge of the Circuit Court of Southampton County, Virginia.

The answer of Junius Faircloth, administrator of Pierce Turner, deceased, to a bill in equity exhibited against him and others in the Circuit Court of Southampton County, by E.J. Norris and R.L. Norris, her husband.

This respondent saving and reserving to himself the benefit of all exception which may be had or taken to the many uncertainties, insufficiencies and errors in the said bill contained for answer thereto or to so much thereof as he is advised it is material that he should answer, answers and says:

That true it is that Pierce Turner departed this life in June 1892, leaving the heirs at law mentioned in the said bill, and that this respondent has duly qualified as administrator of the estate of the said Pierce Turner, deceased. But that it is not true that he has done nothing towards the administration of the said estate. On the contrary he has had a proper inventory and appraisement of the said property made according to law, that he has sold the said property, so appraised, as he was advised it was his duty to do, and that he will be ready to pay the debts outstanding against the said estate as soon as the same may be ascertained and proved as provided by law. Your respondent says that he only qualified as said administrator on the 18th day of July 1898, and that there has not elapsed since then a sufficient time for him to fully and completely administer the said estate. He avers that he has proceeded just as fast as he could under the circumstances, and that he

has done everything that he could thus far towards the settlement of the said eststae. Your respondent would state that t the inventory of the said estate which came into his hands as will appear from ## the appraisement of the duly qualified appraisers under their oaths ,returned and filed in the Clerk's office of the County Court of Southampton County,amounts in value to about $94.35. Your respondent is advised that of this amount about $60 in value vested absolutely in the widow and minor children of the said Pierce Turner,deceased upon his ### death under and by virtue of section 3653 of the Code of Virginia edition of 1887,so that the real value of the property coming into his hands for administration amount to only about $35.00,not enough to pay the costs of this suit.

And now having answered he prays hence to be dismissed with his reasonable costs &c.

Jno. H. Tabb Jr. p.d.

E. J. & R. L. Norris

vs

Pierce Turner Adm'r
et. als.

Bill

IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

To The Honorable Robert R. Prentis,

Judge of the Circuit Court of Southampton County, Virginia:

Your complainants, E. J. Norris and B. L. Norris, her husband hunbly complaining, show to the Court that at the Second September Rules, 1898 they filed their bill as follows:

"IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

To The Hon. Robert R. Prentis,

Judge of the Circuit Court of Southampton County, Virginia:

Your complainants, E. J. Norris and B. L. Norris, her husband, humbly complaining, show to the Court:

That Pierce Turner departed this life intestate in June, 1892, leaving your complainant, E. J. Norris, who was Turner, and seven other children, as follows: Joanna Stieh, widow of Fred Stieh, who was Turner; Ralgie J. Turner; Sarah E. Bradshaw, the wife of Richard Bradshaw, who was Turner ; Robert Turner and Frank B. Turr ner, his children and only heirs at law, and a widow, Sarah Turner : That said deceased was possessed of a considerable personal estate, consisting of corn, fodder, meat, pork, hogs, cattle, horses or mules, and other stock; household and kitchen furniture, farming implements, and many other things such as are usually possessed by a good farmer; and died seized and possessed of a good farm situate in the County of Southampton in the State of Virginia, containing 140 acres, more or less, and which adjoins the lands of Wm. Faircloth, Thomas Turner, Wm. Drake, Richard Bradshaw and others near the Quaker Church in said County.

That at the July term 1898 of the county court of said coutny Junius Faircloth was appointed and allowed to qualify as the administrator of said estate, but so far as your orator is imformed has done nothing; certainly he has not sold any property nor paid any debts.

That said widow and some of said children have been in possession of all said property, real and personal, occupying and cultivating said land since the death of said Pierce Turner, and are still doing so, and have consumed a great deal of said personal property; another portion thereof is worn out, or dead or consumed in the use, and that your complainant, E. J. Norris, has had no part of said property, nor has she had any part of the rents and profits arising thereon, in fact, no advantage of any kind has accrued to your said complainant upon said property since the death of her said father.

Your complainants are advised that they are entitled to have their share in said property, and that it is necessary to have said personal estate administered and settled in order to ascertain the interest of the parties respectively; that said tract of land cannot be partitioned in kind amongst the parties thereto entitled without serious and meterial loss.

For as much as your complainants are remediless save in this honorable court, where such matters are alone and properly cognizable, they pray that said Junius Faircloth, administrator of Pierce Turner, deceased; Joanna Stieh, widow of Fred Stieh, who was Turner, Ralgie Turner; Sarah E. Bradshaw, who was Turner, and Richard Bradshaw, her husband, Mossy M. Turner; F. Percy Turner; Robert Turner; Sarah Turner and Frank B. Turner, the last named being an infantunder the age of twenty one years, be made parties defendant to this suit and required to answer the same, but an answer on oath is hereby expressly waived, that a guardian ad litem be appointed to defend the interest of said infant, who shall also answer this bill; that the personal

estate of said Pierce Turner, deceased, may be fully administered, his debts ascertained and paid according to law; that said tract of land be sold and the proceeds paid to those entitled; that the party or parties who have taken , used or consumed any of the personal Turner may be required to account and pay for the same, and that the proper parties be required to pay a fair compensation for the use and occupation of the said land since the death of said Pierce Turner, that the dower of said widow, Sarah Turner, be set aside and allotted to her; that all necessary inquiries may be directed, accounts taken, stated and reported to Court, that all such other and further and general relief may be afforded your complainants as the nature of their case may require or to equity and good conscience may seem meet; that all reasonable and proper counsel fees may be allowed the attorney or attorneys representing the complainants. And your complainants will ever pray, ect."

E. J. Norris, by her Att'y.
E. J. Norris,
R. L. Norris.

Wm. S. Holland, p. q.

Your complainants say that leave has been granted them to amend the foregoing bill, and for amendment thereto, they say they wish to omit therefrom all reference to the personal estate therein mentioned; and say they are advised they are entitled to have the land in the said original bill mentioned partitioned; and they pray that the tract of land in the said original bill mentioned be sold; that after the payment of the costs of this suit and said sale, the surplus be divided among the parties entitled thereto, and they will ever pray.

E. J. Norris by
W. S. Holland

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.

Form No 17.

Norris &c ux

against

Answer of
Sarah Turner

Turner's Admr. &c &c

To ..... Rules, 189 .....

1901. 4th Apl. Filed

L. A. Gay C. C.

JOHN N. SEBRELL, JR.
ATTORNEY AT LAW,
COURTLAND, V

In the Circuit Court of Southampton County Virginia.

To the Honorable Robert R.Prentis,Judge of the Circuit Court of Southampton County,Virginia.

The answer of Sarah Turner to a bill in equity exhibited against her and others in the Circuit Court of Southampton County by E.J.Norris and R.L.Norris her husband.

This respondent saving and reserving to herself all exception which may be had or taken to the said bill for answer thereto or to so much thereof as she is advised it is material that sh should answer, answer and says that tmue it is that Pierce Turner departed this life in June 1892 leaving as his heirs at law the parties named in the complainants bill,and this respondant as his widow. That her dower in the estate of her deceased husband has never been allotted to her,and that she has therefore been living in the mansion or dwelling house since the death of her said husband,as she is advised she had the right to do. That she has had living with her her minor children and that she with them has been trying to make some crops on the lands adjacent to the said dwellings in order to eke out an existence and provide for the sustenance of her minor children and herself,and which she has been barely able to do. That the said complainant E.J.Norris,who is the daughter of this respondent,has been living in the same neighborhood,and has at all times since the death of the said Pierce Turner,known where this respondent was living and what cultivation of the land she was making,yet during all that time no objection was ever made and the said complainant never requested or claimed any part of the crops or produce from the said land.or any rent therefor. Your respondent,being oid and infirm believed that her children,among whom was the complaint,wished her to cultivate the said farm in order to provide for herself. It was gratifying to thid respondant to think that

the children for whom and in whose service she had spent her best days, and had nourished and cherished with a mother's tenderest love and care ,should,while she was aged and unable to work for herself and children,suffer her to remain at the old homestead and use the little lands left,that her minor children might feed and provide for their mother in her last delining years. She believes and here states that it was never contemplathat her children that she should be required to pay rent for the use and occupation of the said land ,until recently whe the said complainant E.J.Norris,became dissatisfied by outward persuasion as she verily believes, and that her other children still do not expect her to pay them any rent for the use of the said land. Your respondent always believed she was a tenant on the said land by sufferance,and had any objection been made,or any claim made for a part of the crops or for rent,she would not have used the land but would have appealed to this Honorable Court to appoint commissioners to allot to her dower in the said land. Your respondent states that the youngest child id not twenty years of age and will attain his majority on the 3rd day of March 1899,and that an agreement has been entered into by all the heirs at law of said Pierce Turner, deceased,that the property should be sold and the proceeds divided among the parties entitled thereto,and the said complainants were advised and informed that all the parties would consent to and authorize a sale of the same as soon as the youngest child became twenty one years of age,towit on the 3rd day of March 1899,that they might thereby save the cost and expense of a chancery suit.

As to the personal property left by said Pierce Turner,decd. this respondent would say that well nigh all of same was such as vested absolutely in herself and minor children,under and by virtue of section 3653 of the Code of Virginia 1887,her husband

being at the time of his death a householder or head of a family and a resident of Virginia. Your respondent says that there was not more dead victuals or live stock remaining at the death of said Pierce Turner, than was necessary for the use of the family and that all of the other personal property remaining (with few exceptions, if any) was such as she was entitled to under exemption above mentioned, saving such as she has preserved and turned over to the administrator.

Your respondent sayd that through her diligence the property has been kept up, and that in many ways is the said complainant E.J.Norris indebted to her far more than she can ever be indebted to the said E.J.Norris.

And now having fully answered the complainants bill she prays hence to be dismissed with her reasonable cost &C.

Jno. C. Gibbs Jr. p.d.

Norris
v. Excelsior
Sketch to acy.

1901, 4th. apl. Dismd
L.a. Hay c.c.

E. J. & R. L. Norris
vs.
Stirk and others

Exceptions of Sarah Turner to report of Comr. J. B. Prince Jr. filed in the above styled cause on the 22 day of March 1901.

For exception to the said report this exceptor says that if the court shall construe the third item of said report to mean that the said exceptor shall pay the sum of $20 per year to use and reimbursement, then your exceptor excepts to such item and such other parts of said report as relates to the payment by her of any amount for use and reimbursement, on the ground that same is not supported by the evidence returned with said report,

2nd That same was not so intended by the said Commissioner.

3rd Because from the evidence it appears that there existed no relation or contract which would justify receiving for use and reimbursement, and it

does appear that complainant was using the land by sufferance and with the free consent of the complainants and that parties interested.

4th For the reasons appearing on face of said report and the evidence returned with and made a part thereof.

And this complainant will ever pray &c. May it please the Court &c.

Jacob Lamm
By Counsel

Jno. F. Scholl Jr. Sy.

Norris et als
vs } Statement of Rules
Pierce Timmons admr

E. J. Norris and R. L. Norris her husband. Plaintiffs

vs.

J. F. Faircloth Administrator of }
Pierce Turner deceased } Defendant

1899. 23rd March Process issued to 1st Apr. Rules

1899 1st April Rules. Process returned executed

Bill filed.

Decree nisi vs. defendant

1899 2nd Apr. Rules, Bill Taken for confessed

and cause set for hearing.

Ronnie [illegible]

vs. Chas. Lindsey

Petition Returned [illegible]

1858. 2nd Dist. Rusk

Cir. Ct.

Executed by delivering a
copy to each of the within
named [illegible] defendants
Sept 15th 1858

J. M. Williams
Sh'ff

(16)

U. S. Hollands p. q.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU THAT YOU SUMMON Junius F. Faircloth Administrator of Pierce Turner deceased; Joanna Stith[2] widow of Fred Stith who was Turner; Ralgie J. Turner[3]; Sarah E. Bradshaw[4] who was Turner and Richard Bradshaw[5] her husband; Mossy M. Turner[6]; F. Percy Turner[7]; Robert Turner[8]; Sarah Turner[10] Widow of Pierce Turner deceased and Frank B. Turner, the last is an infant under the age of 21 years.

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 3rd Monday in Sept. 1898 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by

E. J. Norris and R. L. Norris her husband

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A GAY, Clerk of our said Court, at the Courthouse, this 12th day of September, 1898, in the 122nd year of the Commonwealth.

Teste: L. A. Gay C. C.

Norris et als.

vs. } Spa: Inchy.

Norris's Admr

1899. 1st. April Rules
bis. bet.

Execution April
12th 1899 by deliv
-ering a copy of this
Rule" to J. F. Glaic
-cloth Admr.

J. B. Joynes
Dep'ty for J. W. Williams
Shff

Ld. S. Holland p. q.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon J. F. Faircloth Administrator of Pierce Turner deceased

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 1st Monday in April 1899 ~~next,~~ to answer a bill in Chancery exhibited against him in our said Court by E. J. Norris and R. L. Norris her husband

And this he shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 27th day of March, 1899, in the 123d year of the Commonwealth.

Teste: L. A. Gay C. C.

A Copy—Teste: ..... C. C.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon J. F. Reinbach Administrator of Vince Turner deceased.

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 3rd Monday in March 1899 ~~next~~, to answer a bill in Chancery exhibited against him in our said Court by E. J. Norris and M. L. Norris her husband.

And this he shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 20th day of March, 1899, in the 123 year of the Commonwealth.

Teste: L. A. Gay C. C.

A Copy—Teste: L. A. Gay C. C.

Norris et als.

vs. } Spa: In Chy.

Rumsey Admr.

1899. 2nd. Mch. Rules

Lis. Pl.

Came to hand 6th Inst
to Execute

D. D. Williams
Shff

W. S. Holland p. q.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon L. A. Faircloth Administrator of Peter Turner deceased

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 3rd Monday in March 1899 next, to answer a bill in Chancery exhibited against him in our said Court by E. J. Norris and R. L. Norris her husband.

And this he shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 20th day of March, 1899, in the 123d year of the Commonwealth.

Teste: L. A. Gay C. C.

A Copy—Teste: ..... C. C.

G. L. & R. F. Norris

vs. } Copy of Decree

Pierce Turner's Admr

To be entered

October 5. 1900

Robert R. Prentis

Entered page 337

Virginia. In the Circuit Court of Southampton County. October Term 1900

E. J. & R. L. Norris

vs.

Pierce Turner's Admr

This cause came on this day to be heard on the bill of complaint taken for confessed, the defendant having been duly summoned and still failing to plead, demur or answer, and was argued by Counsel;

On consideration whereof, the Court doth adjudge, order and decree that one of the Commissioners of this Court take, state and report to Court the following inquiries and accounts:

What property went into the hands of the administrators of Pierce Turner, deceased?

An account of the doings and transactions of said administrators.

Whether or not there was or is any property belonging to the estate of said Pierce Turner deceased which did not go into the hands of the said Administrator, and if so, what?

Any matter deemed pertinent by the Commissioner or any party in interest.

A Copy,

Teste: L. A. Gay C.C.

E. J. & R. L. Norris
vs
Rolgie J. Turner and others, widow and heirs at Law of Pierce Turner dec'd.

This cause came on this day to be again heard on the papers formerly read and on the report of J. B. Prince Commissioner to which the defendants, by leave of court, have this day filed exceptions, and was argued by Counsel:

On Consideration whereof the Court doth adjudge, order and decree that the question arising under the said exceptions be continued to the next term of this Court

And the court doth further adjudge, order and decree that this cause be referred to ~~J. B. Prince~~ one of the Commissioners of this Court who shall take, state and report to Court at the next term thereof as follows:

(1) Whether the land in the

bill mentioned can be partitioned in kind, among the parties entitled thereto, ~~or~~

(2) Whether one or more of the parties will take the land and pay to the other parties in interest a fair price for their interests?

3 Any matter deemed pertinent by the commissioner or any party in interest.

D. J. & D. L. Harris
vs
R. J. Lyncander
and others

Decree

Do. Dec entered April 4th 1901.

Robt. D. Mills

E. J. & R. L. Norris

vs

Pierce Turner & adm. et. als.

Decree

To be entered

April 4th 1901

Robert W. Hunter

Entered
366

E. J. & R. L. Norris

vs

Pierce Turner's admr. et. als.

On motion of the complainants leave is given them to amend their bill in this cause.

Z + J. + R. L. Harris
vs
Pierce Turners's
admr.

Decree.

To be entered
October 5th 1900
Robert R. Ellis

Entered
1 Oct - 337

E. J. & R. L. Norris
vs.
Pierce Turner's admr.

This cause coms on this day to heard on the bill of compl taken for confessed, the defendant having been duly summoned and still failing to plead, demur or answer, and was argued by counsel:

On consideration whereof, the Court doth adjudge, order and decree that one of the Commissioners of this Court take, state and report to court the following inquiries and accounts:

What property went into the hands of the administrators of Pierce Turner deceased?

An account of the doings and transactions of said administrators.

Whether or not there was or is any property belonging to the estate of said Pierce Turner deceased which did not go into the hands of the said administrators, and if so, what?

Any matter deemed pertinent by the examiner or any party in interest.

C. J. & R. L. Tennis — 1909

vs

Zumwalt Adair

Decree
April 9th 1902

To be entered

Robt R. Bullis

Entered on page 436

E. J. & R. L. Harris

vs

Turner's Adm. et. als.

This cause came on this day to be again heard on the papers for merely read, on the amended bill of the Complainants, leave to amend which having been heretofore given, and was argued by counsel:

On Consideration whereof the Court doth adjudge, and decree that one of the Commissioners of this Court take, state and report to the next term of this Court the following inquiries and accounts:

(1) Whether the land in the bill can be partitioned in kind among the parties thereto entitled?

(2) If there are any liens on the same or any share therein, including especially any delinquent taxes?

(3) Whether any party or parties in interest will take the whole and pay to all others interested a fair and reasonable price?

(4) Who are in what proportion are entitled to share in the proceeds of sale in case of a sale

(5) Any matter deemed pertinent by the Commissioner or any party interested may request to be taken, stated and reported to Court