

1829-016

Chancery Causes Joel Whitley, adm. & al vs Dancy Hatchel

Isti of Wright County

Other SURNAMES: TURNER,
WOMBLE, MARSHALL, VILLINES,
VELLINES

refused to do,

In tender consideration whereof and for as much as your complaints are without
a remedy at the Common Law relief is therefore prayed & the Lords of this Court with
proper power and jurisdiction to grant relief in such cases, to the end therefore they
may that the said Henry Stacwell, Stanley & Tupper, Elizabeth Tupper,
and William Tupper as agents of the said, may be made party to
this bill, and to answer the allegations herein contained after oath,
and that it may be ordered, whether the parties herein named are properly
admitted or by the same named in the said Pro Tunc writ, if the said writ
representation is made of his name, & if they are, ^{they consent} that a sale should be
made according to the pray of this bill, & that the Court should pay
a cent. for that purpose. your orators lastly pray, that your
make such order & further decree in the premises as may seem to be
most conducive to the interest of all concerned and consistent with
Equity and good Conscience.

Bill of Writ to wit,

This day Edwin Noble and Joel Whitley
Appeared before me and made oath to the truth of the allegations contained
in this said bill so far as they depend upon their knowledge, and
so far as they depend upon the knowledge of others they believe them
to be true - Given under my hand and Seal this day of
November 1828.

In Attest
J. A. Howard

~~The Court of Equity & Chancery & Tupper
Elizabeth Tupper, & William Tupper as agents of the said
Henry Stacwell, Stanley & Tupper, and the said
Elizabeth Tupper, & William Tupper as agents of the said
Henry Stacwell, Stanley & Tupper, and the said
Elizabeth Tupper, & William Tupper as agents of the said~~

To the worshipping Justices of the County court of Isle of Wight sitting
in Chancery. Humbly complaining sheweth unto the Court, your
Orator Joel Whitley in right of his wife Holland, late Hollard
Turner, and as guardian of John^L Turner an infant son of
John Turner deceased, and Edward Morrell guardian of
William^H Turner, all deceased, Turner, and Dairina H. Turner,
other infant children of the said John Turner.
That the said John Turner their father after making and publishing
his last will and testament which has been admitted to record in
due form of Law in this Court, an Office Copy of which is hereto
annexed and is prayed to be taken as a part of this their bill,
by which it will appear to your worships, that the said John Turner
decd. directed that an equal division of all his estate should be
made amongst Willey Turner (now the Wife of Atkinson Turner),
Holland Turner now the Wife of the said Joel Whitley, Nancy
L. Turner of lawful age, Elizabeth Turner, the said John L. Turner,
a certain Ding Hatchel, William H. Turner, all children H. Turner,
and Dairina H. Turner, reputed children of the said John Turner.
of our Orators also state to the Court that the said John Turner decd
seized ^{both} of real and personal estate, to wit, a tract of land of about
2½ acres of the supposed value of \$1000. —
and personal estate to the amount of about \$500 —
as to the land, if divided your Orators are of opinion, that it would be of
little or no value to the parties, and therefore they are of opinion that the
interest of their persons would be promoted by a sale of the same,
your Orators also state, that upon the death of the said John Turner,
the said ~~Daisy Hatchel~~, Nancy L. Turner, Elizabeth Turner, and
Atkinson Turner ~~in the said~~ ^{on} entered, and possessed themselves of the said
Land, to the exclusion of the infant children of the said John Turner,
which is manifestly unjust and much to their injury and
oppression, all of whose actions and doings on the part of the said
last above mentioned parties is contrary to Equity and good conscience.
of our Orators also state that they have applied to those persons ex
propriator of the said Land, to consent to a sale of the Land, that
an equal division thereof might be made amongst all parties
concerned, according to the will of the Testator, but they have or before

Wm. L. Lister

17 3/4 Apr 1861 —

Turner Lister

The Joint answer of Daisy Hatchel, Nancy L. Turner, Elizabeth Turner,
Atkinson Turner, in right of his wife Willey, late Willey Turner,
and Joel Whitley in right of his wife Holland, late Holland Turner,
to a bill of complaint exhibited against them in this worshipping Court
by Edwin Mumble guardian of William H. Turner, Atkinson
H. Turner, and Leanna H. Turner, infant children of John Turner dec.
and Joel Whitley guardian of John Turner another infant child
of the said John Turner dec. These respondents now and at all times
hereafter saving and reserving to themselves all and every manner of
exception to the many false allegations in the Complaints and
bill contained, for as far as they, or to each part thereof as these respon-
dents are advised is necessary and material for them to answer etc,
doth answer and say, that they admit it to be true as stated in the
bill of the Complaints, that the said John Turner was their father and
died, on or about the time therein stated, having first made & published
his will, by which will they are informed the said ^{deceased} John
of his will to be made amongst the Complaints & respondents
~~land~~, which they are willing should be done upon such terms in such way
as this Court shall think will be most likely to promote the intent of
all concerned in said Estate, and as far as they have the power to do,
assent that the Court shall appoint to fit & proper persons to act on
behalf to make sale of the Land in question according to the prayer
of the Complaints bill, with a view of affecting an equal division
of the said Land between the parties - they deny all fraud &c &c
and pray to be hence discharged with their Costs so wrongfully &c

Daisy Hatchel
Nancy L. Turner
Elizabeth Turner
Atkinson Turner
Joel Whitley

Jess of Wright County to wit,

This day Francis Ministry the same
as within named personally appeared before me one of the Clerks
Justices for the County of said, and made oath to the truth
of the within answer to the best of his knowledge and belief,
and so far as the facts depend upon the knowledge of others, he
believes to be true. Given under my hand and Seal the

2nd day of November 1828

Gray & Carle J.P.

Laithersville
Francis Ministry given.

ad taken

Chapman

The answer of ~~Robert Marshall~~
~~Francis Whitley~~ guardian ad litem
of John H. Turner, William H. Turner, Matthew H. Turner
and Dianna H. Turner infant children of Jno Turner decd
to a bill exhibited in this Court by Loe Whitley and Edwin
Pomble against Dicy Ketchel, Nancy A. Turner, Elizabeth
Turner and Arthur Turner. -

This respondent now and at all times hereafter saving and
reserving to himself all manner of exception to the merits
of the allegations in the Complainants said bill containing
or to such parts thereof as he is advised is necessary and
material for him to answer, doth swear and say, that he
believes the allegations contained in said bill to be true,
and that he believes the ^{Intent of the} ~~Intent of the~~ Complainants would be
promoted by a vote of the Land in their said bill mentioned
and this deft denies all fraud &c &c. Robert Marshall

The deposition of

The deposition of John Collins - taken at the Court House of
the County of Wright, Ga. on Monday the 3rd day of November
1828. pursuant to the subpoenaed Commission in the person
of ~~Francis Whitley~~ ^{Robert Marshall} guardian ad litem of Geo. H. Turner,
William H. Turner, all against H. Turner, and Eliza Turner

This deponent being first sworn upon the Holy Evangelist
of almighty God, the truth to speak, doth say that he knows
the said person the said Geo. Turner the father of Geo. H. Turner and
others and believes it be worth not more than \$500
if divided into 3 equal shares would be in question so
small to seek. Other it be worth little or nothing better,
and that he is of opinion that it would be to the interest of the
infant children of Geo. Turner to see the said Geo. H. Turner, to divide
the proceeds amongst them -

and further this deponent saith not.

John Collins

^{ms} Turner & Co. Son.

ms

3 Decem

Hatchdale Hdd

2^d Feb'y. 1829 rept.
ret'd and cont'd

In Relief of Night County November Court 1828

Joel Whitley in right of his wife Holland late
Holland Turner Complainant
against

In Chancery

John S. Turner, William H. Turner, Matthew
H. Turner, and Dianmah H. Turner infant
children of John Turner dec'd suing in this
behalf by Robert Marshall their Guardian
ad litem, Dacey Katekell, Nancy S. Turner,
Elizabeth Turner, and Atkins Turner in right
of his wife Willey late Willey Turner Defendants

This cause this day came on to be heard upon the bill answer
and exhibits filed, and being argued by counsel: on consideration whereof
the court doth order adjudge and decree that Norman Parr be appointed
a commissioner to make sale of the land whereof John Turner, the same
as in the proceeds in this cause mentioned, did seize upon a credit of
9 months except so much as is necessary to defray the expenses of this
suit which is to be cash, and to divide the net proceeds of sale into nine
equal shares, taking nine separate bonds with approved security
from the purchasers, and to pay three of the said bonds over to the said
Ezra Womble as Guardian of William H. Turner, Matthew H. Turner
and Dianmah Turner, and one other bond to Joel Whitley as Guardian of
John Turner, the other five bonds to be paid over to the parties that have
attained the age of twenty one years, and make report to this court in
order to a final decree

A Copy Teste Nathl. Youngd
Clerk

In Obedience to a decree of the court of Rockwell County
bearing date Nov^r. Court 1828, to me directed, I the undersigned
have made sale of the land which John Turner dec^d. died poss^r
of, as in said decree directed, as follows to wit - - -
the said land cont^y 262 Acres - to Edwin Wamble \$501-00

Att ^r : fee - - -	\$5-00	{	net proceeds	\$466-25
clerk - do - - -	4-70			34-75
com ^r . - - -	25-05			
			each heir part -	\$ 51-80 ⁵ / ₉

I the undersigned make the net proceeds of the aforesaid
tract of land (four hundred and sixty six Dollars & 25 cents -
and ^{each} heir part of D^r. proceeds, fifty one Dollars, and 80 ⁵/₉ cents
for which sum of fifty one Dollars, & 80 ⁵/₉ cents, I have taken
bond & security for payable to the several heirs or their Gua
rdians as directed in said decree given under my hand
this 6th day of December, eighteen hundred & twenty eight

Jordan Carr

Turner Feb 6 40.

Bill and 7 89

Katehell 18 40

November 3^d 1878 Bill and
coers and depositions filed and
Adultery decreed

February 2nd 1879 report
returned and continued

June 1st 1879 final decree
entered

Miss Lott
Bill and 7 89
decreed

Wmble & other

3 Rough deed —

Turner Lister.

This cause this day came on to be heard upon the bill ~~drawn~~
answer and exhibits, filed, & being argued by Counsel, on behalf of the
Whose of the least debt order of up were decreed that Jordan Parr,
he appointed a Commissioner to make sale of the land whereof Mrs Turner
the same ^{as} in the proceed is the ^{cause} mentioned) did seized, upon a writ
if 9 months or more, as much as is necessary to pay the value
of the said land, or to be sold — And to divide the same proceeds
into nine equal shares, taking 9 separate bonds from the said
being from the purchaser & to pay 3 of the said Bonds over to the said
Edwin Moser or guardian of William H. ^{Turner} Charlotte H.
Turner & Leanna Turner, & one other bond to be paid wholly as g'd.
of Mrs Turner, the sum 5 shillings to be paid over to the said, that
have attained the age of 21 years. & make report to the court
in order to a final decree.

Soil Whitley Guardian to
John Barker Express of
John Turner died?

December 1st 1828.

KNOW ALL MEN BY THESE PRESENTS, That we Joel Whitley
& James Chapman

are held and firmly bound unto Earm Clay William H Ballard Watson
P. Jordan & Parker Mills

Gentlemen Justices of the Court of Isle-of-Wight County, now sitting, in the sum of
five hundred.

Dollars, to the payment whereof well and truly to be made to the said Justices, or their Successors,
we bind ourselves and each of us, our and each of our Heirs, Executors and Administrators, jointly
and severally, firmly by these presents. Sealed with our Seals, and dated this 1st
day of Dec. 1820 in the 53rd year of the Commonwealth.

The Condition of the above Obligation is such, That if the said

Joel Whitley _____ Guardian of
John Turner _____ Orphan of
John Turner _____ deceased, or his Executors and

Administrators, shall well and truly pay and deliver, or cause to be paid and delivered
unto the said Orphan, ^{monies collect} ~~all such estate or estates as now is, or may hereafter appear to~~
be due to the said Orphan, ^{from the sale of the land of John Chapman} ~~from the said Guardian, when thereto required by the~~
Justices of the said Court, as also keep harmless and indemnify the above named Justices
from all trouble and damages, cost and charges, that shall or may arise or happen to
them, or any, or either of them, about the said estate—then this obligation to be void, or
else to remain in full force and virtue.

Signed, Sealed and Acknowledged, }
in the presence of

B. Lightfoot

Joel Whitley



James Chapman



Edwin Womble's bond
as Guardian to Mr.
Matthew & Joanna Turner
Orphans of John Turner
decd.

December 1st 1828.

KNOW ALL MEN BY THESE PRESENTS, That we *Edwin Womble*
& *William Leeds*

are held and firmly bound unto *Earn Ely William H Ballard Parker*
Miss V Watson P Jordan

Gentlemen Justices of the Court of Isle-of-Wight County, now sitting, in the sum of
five hundred

Dollars, to the payment whereof well and truly to be made to the said Justices, or their Successors,
we bind ourselves and each of us, our and each of our Heirs, Executors and Administrators, jointly
and severally, firmly by these presents. Sealed with our Seals, and dated this *1st*
day of *December* in the *53^d* year of the Commonwealth.

The Condition of the above Obligation is such, That if the said

Edwin Womble Guardian of
William, Matthew & Dianna Turner Orphans of
John Turner deceased, or his Executors and

Administrators, shall well and truly pay and deliver, or cause to be paid and delivered
unto the said Orphan, all ~~such estate or estates~~ ^{money or moneys} as now is, or may hereafter appear to
be due to the said Orphan, ~~from the said Guardian, when thereto required by the~~ ^{from the sale of the land of John Turner dec^d}
Justices of the said Court, as also keep harmless and indemnify the above named Justices
from all trouble and damages, cost and charges, that shall or may arise or happen to
them, or any, or either of them, about the said estate—then this obligation to be void, or
else to remain in full force and virtue.

Signed, Sealed and Acknowledged, }
in the presence of

B. Lightfoot

Edwin Womble 

William Leeds 

