1839-001 Chancery Causes: Lotta Edwards & Uk v al vs Rhoda Turner, widow of Joseph Turner

Isle of Wright County

v al

other SURNames: BOUNDS, YOUNG

Turner & others

vs

Bill &c.

Turner &c.

February 6th 1837 Bill & Mes. filed & Int. Courtesy entered & the Cause cont.d for report

April 3d 1837 Rep.t of the Sale of Land Rec.d & cont.d

June 4th 1838 final decree entered (see the minutes, & the Rep.t & Decree herein filed)

25

Att'y Rec'd

Zachariah N. Turner, Henry E. Turner, Margaret Turner & Sarah Turner

In consideration whereof, and for as much as the complainants are remediless in the premises, save in this Court, they pray that the said Rhody Turner, widow of Jo. Turner, Zachariah N Turner, Henry E Turner, Margaret Turner and Sarah Turner may be made defendants hereto and be compelled, full, true and perfect answer to make to all and singular the said allegations &c. that the premises considered, You will decree an allotment of dower to the said Rhody and a sale of the balance of the lands and a division of the proceeds of the sale between the parties respectively entitled, and that You will make any other order in the premises which may comport with Equity &c.

R. Atkinson p.s.

To the County Court of Rhea Nights to in Chy: sitting - The answer of Zach. N Turner, Henry E Turner, Margaret Turner and Sarah Turner

infants under 21 years of age, by Nath'l Vaughn who is appointed special guardian to defend the said infants - These defendants for answer say they are under the age of 21 years, and unable to take care of their just rights - they can't gainsay the allegations in the Bill: and submit their interest to the protection of the Court &c.

(signed) Nath'l Vaughn for
& behalf of the above named infants -

To the County Court of Isle of Wight County
in Chy: sitting - Humbly complaining, shew
to the Court, your complainants John Edwards
and Susan his wife, Lipa R Bowers Martha
& his wife, Thomas Edwards and Minnifred
his wife, and James Turner & Patsy his wife
of the County of Isle of Wight - That on Joseph
Turner late of said County departed this life
intestate about the day of January 1837,
seized and possessed as of an estate of inheri-
tance to two tracts of land in said County
, one containing by estimation 120 acres, &
one other 133 acres. - That he left a widow
called Rhody Turner and 8 children to wit
Jachariah W Turner, Mary R Turner, wife
wife of your complainant John Edwards,
Martha A the wife of said Lipa R Bowers
Minnifred the wife of Thos Edwards, Patsy
B Turner the wife of James Turner, Margaret
Turner and Sarah Turner all entitled
to his said lands and the widow entitled
to dower; and they say that the lands are
worth less than $300 a share and it is
manifestly to the interest of those entitled
that after the widows dower is set apart,
the balance of the lands should be sold in
order to a division, but they are advised
that in consequence of the infancy of the said

Rhode Island
Division
with Other Depts
Journals
&
Journals

To the County Court of Rhod Island —
The sepnate answer of Rhody Turner to
the Bill of complaint in sd Court, of
John Howard & Others agt. her & Others —

the defendant says the Bill contains
the truth, and she is willing to have her
dower in her late Husbands lands set
apart as soon as convenient — and
she prays them to be assigned &c

Test

Zachariah W + Sawyer
his mark

(Sign'd)

Rhody her X Turner
mark

Pursuant to the annexed decree of the county court of Wood-
bright, I have made sale of the lands mentioned in said decree
to the highest bidder, subject to the terms of the orders therein, after
having advertised the same at least ten days previous to the day of
sale as directed in said decree, when John Edwards became the
highest bidder therefor at the sum of $790.-

atto: fee	$10.00	
Clerks "	5.00	
5 per cent commission on $300	15.00	
2 per cent commission on 490 balance	9.80	39.80
		$ 750.20
		$ 93.77½

I have then deducted $39.80 for costs of said sale which leaves
a net balance of $750.20. I have then divided that sum into
eight shares which makes each one proportion $93.77½ as may
be seen by the above statement, and have taken bonds with good
security payable to each of the parties as directed in said decree,
except for the proportion to which John Edwards is entitled he
being the purchaser. I did not take any bond for his proportion,

and have paid on all the said bonds to the parties respectively entitled, except the bonds due to Thomas Edwards and James Turner, which they have retained, and which I return herewith to the Court subject to the order thereof. —

Wm C. Edwards Com.

Rec'd my fee N. Young Cl.

March 1st 1837 Rec.d of William C Edwards a commissioner appointed by decree of the county Court of Isle of Wight to make sale of the lands of which Jos: Turner died seized and possessed three bonds for ninety three dollars 77/100 each, payable to each of my wards, Henry E. Turner, Margaret Turner & Sarah Turner which is in full for their proportion of the sales of said land.

Rhoda her X Turner Sen.r
mark

Test

Zachariah B. his X Turner
mark

March 6th 1837 Rec.d of Wm C. Edwards a commissioner appointed by a decree of the county Court of Isle of Wight to make sale of the lands of which Jos: Turner died seized and possessed bonds for our proportion of the sale of said land.

Jeffery R. Boconds

Witness
Samuel Batten
Robin Edwards Jr. Sen.r to Zach.a B. Turner

Turner Voltaire

vs

Turner Voltaire

April 3d. 1837 - rept. rel'd Com'r.

Isle of Wight County February Court 1837

John Edwards and Susan his wife, Jesse R. Bounds & Martha his wife, Thomas Edwards & Winnefred his wife, James Turner & Patsy his wife . . . . Plaintiffs

against

Rhoda Turner widow of Joseph Turner dec'd. Margaret Turner, Sarah Turner, Zachariah W. Turner and Henry E. Turner the last four being infants of tender years, by Nathaniel Young their next friend . . . . . Defendants

In Chancery

On motion of the plaintiffs, Nathaniel Young Clerk of this court is appointed guardian ad litem to the infant defendants in this cause: And by consent of the parties, this cause was docketed, & this day came on to be heard on the bill, answers, & exhibits filed and was argued by counsel; On consideration whereof, the court doth adjudge order and decree, that Nathaniel Young, John W. Deck, and Francis M. Boykin who are appointed commissioners for that purpose, do set apart by metes and bounds, and allott to Rhoda Turner the defendant widow of the said Joseph Turner, one full and equal third part of all the lands in this County whereof the said Joseph Turner her late husband died seized & possessed, having regard therein to quality and quantity, to be held as and for her dower in the said Joseph Turners real estate; and that the said commissioners make report thereof to the court — And the court doth further order and decree that William C. Edwards who is appointed a commissioner for the purpose) after advertising the time and place of sale at the court house of the said County, and at such other public places as he may think best, at least ten days before the day of sale, do sell to the highest bidder on a credit of twelve months, (except for so much as will be sufficient to pay the expences of this suit and the said sale which is to be for cash & by him paid over to the persons intitled thereto) the said lands of which the said Joseph Turner died seized, subject to the dower of the said Rhoda as above directed to be set apart, and take bonds with good security for the note balance of the proceeds of such sale, in equal proportions payable to the following persons each one share (towit) to Wm. Edwards in right his wife Susan, Jesse R. Bounds in right of his wife Martha, Thomas Edwards in right of his wife Winnefred, James Turner in right of his wife Patsy, Zachariah W. Turner, Henry E. Turner, Margaret Turner and Sarah Turner — that he deliver the bonds for the said shares to the persons of full age who are intitled, & to the legally qualified guardian of the infants who are also, intitled: that he make deed or deeds to the purchaser or purchasers with out warranty — And make report of his acts in order to a final decree — And liberty is reserved to the infant defendants to shew cause if any they can against this order in a year after they shall respectively arrive to the age of Twenty one years —

A Copy Teste Nat'l Young Cl.

Clk. $5.00
Atty 10
$15.00

to John Edwards and Susan his wife, Isaac R Bowers and Martha his wife, James Turner and Patsy his wife, Margaret Turner, Sarah Turner, Zachariah B Turner and Henry L Turner and that the said John Edwards, Mitchell Edwards and Lott B Edwards pay the same to the aforesaid adult persons & to the legally constituted Guardian of the infants and that upon the Report of the said Commissioner the Clerk of this Court is hereby ordered to deliver the bond aforesaid filed in this cause to the said John Edwards and the Clerk doth also direct that the costs of this suit be mutually borne by the parties in this cause except the fees of the said Edwards and wife -

James Walker

Zachariah Turner

James Walker

To be entered

entered

John Rowan and Susan his wife, Jesse R Bowne and Martha his wife, Thomas Rowan & Minerva his wife, James Turner and Patsy his wife, pltffs.

vs

Rhoda Turner widow of Joseph Turner and Margaret Turner, Sarah Turner, Zachi R Turner, and Mary R Turner the last 4 their infant heirs at law by Rhoda their guardian pltffs.

This cause came on this day to be further heard on the papers formerly read and the report of the Commissioners made under the order of the 6 day of July 1837, to which no exceptions have been filed, and was argued by Counsel, on consideration whereof the Court doth confirm the report of the Comrs as to the allotment of dower and the sale of the land, & doth direct that the same be held & taken between the parties concerned. ~~and the Court doth~~

And it appearing to the satisfaction of the Court by an exhibit filed, & sworn to, & referred to in the report of the Comrs and marked X & said by Thomas Rowan and attested by pltffs counsel, that one of the complainants, to wit Thomas Rowan and Minerva his wife, have rec'd by way of advancement from Joseph Turner in his lifetime, property to a greater value than his proportion on the division of the estate of the ancestor, and that the said Rowans wife have refused to bring their advancement into hotchpot and more refuse to do so. The Court doth therefore order that the proportion allotted to the said Thos Rowan & wife to wit, the bond of John Rowan Billy Rowan and Lee B Rowan, payable to Thomas Rowan & Minerva his wife in the sum of $893.77½ executed 26th of July 1837 payable 12 months after the death of Rhoda the dower in equal proportions

Exhibit
A
Page X
to be filed by
consent

Whereas at a Court for the County of Isle of Wight made on the day of
Aug — a decree was made for a division & sale of the lands of Joseph Jarman, in which decree it is ordered that a portion be laid to the widow Winifred in her right and dower in the life of said Jarman and advancement which I do not mean to bring into division or Hotchpot. Jarman declares that I relinquish and renounce all title and interest to any part of the said estate, & agree that it may be divided between the other distributees. Witness — my hand & seal this 6th June 1838 —

Test
A. P. Young

Thomas his + Edwards mark

Recd. of Nathl. Coman Esq. of Salem, a bond executed by himself
as principal & Thos. Edwards, Jr. of Salem, merchant, as surety, unto the said Comm.
the receipt of Capt. N. Bowers's vessel called the Mary
Martin, Master, the Cost of the captured ship Ariel which
said vessel was decreed by said Court to be delivered to me
& sum of Eleven dollars which I had paid the Marshal.

Augt. 1 John Edwards

Mr. Edwards

to Receipt

Wm. G. Edwards

February 13th 1837 Rec'd of William B. Edwards a commissioner appointed under a decree of the county court of Isle of Wight ninety three dollars twenty cents & a half cent it being my proportion of the sale of the land of which Joseph Turner died seized and possd.

John Edwards

Witness
Miles Edwards

Rhody Turner

$40.40

$5

5

July 2d 1838 Rec? of John Edwards the sum of Forty dollars and forty cents in full for my three children's proportion of a bond. which was taken for Winnifred Edwards wife of Thomas Edwards proportion of the sale of the land belonging to the estate of Jos. Turner dec? which was sold by virtue of a decree of the court of Isle of Wight county. which said bond is filed in the Clerks office of the court of said county. and which was directed by an amended decree to be paid over to the other children and heirs of said Jos: Turner. Thomas Edwards the husband of said Winnifred Edwards refusing to come into Court and receive his proportion of said estate.

Margaret Avery E. & Sarah B. Turner

Rhoda her Turner Jos.
mark

Witness
Wm C. Edwards

Jno. Edwards

Newfl.

Rec'd of Nath'l Young clerk of the county court of Isle of Wight a bond in the suit of James Turner &c. vs James Turner in favor of Lucy Turner in right of his wife.—

Dec'r 4th 1838.

John Edwards

Burnes to Edwards } Receipt

March 4th. 1839 Rec.d of John Edwards fourteen dollars and twenty cents in full for my proportion of a bond which was taken for Thomas Edwards proportion of the sale of the lands belonging to the estate of Joseph Turner dec.d. the said Thomas Edwards having relinquished his interest to the said Joseph Turners estate. Jeffery B Bounds

Witness
Wm. C. Edwards