

1924-011 Chancery Cause. J.
Dale of Wight County

T. Nelson & al vs L. H. Turner & al

424

other SURNAMES: Frye, Bracy,
Stephenson, Carr, Roberts,
Persons, Bracey

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

May 28, 1924.

Mr. R.A. Edwards, Clerk,
Isle of Wight, Va.

Dear Sir: Re: Nelms, et als, vs Turner, et als.

My letter to you under date of May 15, 1924, requested that the same witnesses be summoned for June 9th. that had previously been summoned for May 29th. In addition to the list of witnesses contained in my letter of May 7th., please summon as witnesses for the complainants, the following:

1. Mr. J.T. Joyner, generally known as Coonie Joyner, who lives at the Old Burnt Mill place, near Wight, Isle of Wight County, Virginia.
2. Mr. Richard Holland, Windsor, Virginia.
3. John I. Munford, Sussex County, Virginia. ✓

m.
5/30/24
Please address the subpoena for J.R. Kirk to the Sergeant of the City of Portsmouth, Virginia, and send it to Mr. Q.C. Davis, South Norfolk, Virginia.

m 5/30/24
Please address the subpoena for John I. Munford to the Sheriff of Sussex County and send it to me, so that I can have it served.

In referring to my office copy of my letter to you under date of May 7th. 1924, on this subject, I see that the list of witnesses given you is referred to as a list of witnesses for the defense. That, of course, is a mistake. All of our witnesses are witnesses for the complainants, who are represented by Mr. Q.C. Davis and myself.

Yours very truly,

hlh-ed



JAMES H. GORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

Mr. R. A. Edwards, Clerk, #2-

addressed to the Sheriff of Nansemond County, Virginia:

John F. Uzzell;

addressed to the Sergeant of the City of Portsmouth, Virginia:

J. R. Kirk;

addressed to the Sergeant of the City of Norfolk, Virginia:

A. S. J. Jakeman, Hotel Lee, Norfolk, Va.

The subpoenas addressed to the Sheriff of Isle of Wight County you will please put in his hands; the other subpoenas you will please send to me so that I can send them off to be served.

Very truly,

JHC/K

cc- Mr. John N. Sebrell, Jr.,
Norfolk, Va.

Mr. L. H. Turner,
Windsor, Va.

James H. Gorbitt

Mr. J. H. C. 5/30/24

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

May 16, 1924.

Mr. R. A. Edwards, Clerk,
Isle of Wight C. H., Va.

Dear Sir:

In re: J. T. Nelms, et als. v. L. H. Turner, et als.

I am advised by Mr. Hugh L. Holland that Judge White has set the above case for trial on June 9th, 1924.

You will please issue subpoenas for witnesses on behalf of the defendants, addressed to the Sheriff of Isle of Wight County, as follows:

Frank Porter,
John Holland, Sr.,
John Holland,
Richard Holland,
John Edwards,
Lonnie Atkins,
J. E. Gray,
R. S. Bracey,
M. E. Bracey,
Joe Landing,
G. E. Carr,
R. A. Atkins,
Mrs. Anna Britt,
Miss Bettie Thorne,
P. D. Gwaltney, Jr.,
W. F. Beale,
Thomas Felton,
Jesse Whitley,
Coon Joyner,
Albert S. Johnson,
Linwood Gay,
S. L. Gwaltney;

addressed to the Sergeant of the City of Hopewell, Virginia;

W. H. Boyette, Sr.,

addressed to the Sergeant of the City of Suffolk, Virginia:

David Lyons;

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

May 15th. 1924.

Mr. John N. Seabrell, Jr.
Attorney at Law,
Seaboard Bank Building,
Norfolk, Va.

Dear Sir: In re: J.T. Nelms, et als
vs.

L.H. Turner, et als

In response to your letter to Judge White
under date of May 8th. 1924, the Judge has set this case
for trial for June 9th. 1924.

Yours very truly,
(signed) Hugh L. Holland.

copy

hlh-ed

copies to.

Judge B.D. White, Lynnhaven, Va.
Mr. James H. Corbitt, Suffolk, Va.
Mr. Q.C. Davis, South Norfolk, Va.
Phlegar & Tilghman, Norfolk, Va.
R.A. Edwards, Clerk, Isle of Wight, Va.

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

May 15th. 1924.

Mr. R.A. Edwards, Clerk,
Isle of Wight, Va.

Dear Mr. Edwards:

In re: J.T. Nelms, et als.

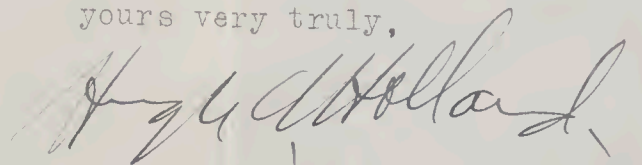
v

L.H. Turner, et als

On account of Mr. Sebrell's request for another date, this case has now been set for June 9th. 1924. Please be kind enough to issue new subpoenas for the same witnesses mentioned in my letter to you of May 7th. 1924, summoning them to appear on June 9th. 1924. I have sent Mr. Chapman my check for summoning these witnesses previously. Will thank you to ask Mr. Chapman, if you can do so without any trouble, to yourself, to tell these witnesses that it will not be necessary for them to appear on May 29th. 1924.

With kind regards, I am ,

yours very truly,



hlh-ed

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

May 7, 1924.

Mr. R.A. Edwards, Clerk,
Isle of Wight, Virginia.

Dear Sir: Re: J.T. Nelms et als vs L.H. Turner et als

After seeing you in person on Monday, Mr. Davis and myself added several names to the memorandum given you for witnesses and also decided to leave off the name of John R. Edwards. As I did not see you afterwards to explain this pencil memorandum, I am writing you this letter to give you a correct list of our witnesses.

Please summon as witnesses for the defense for May 29th, 1924, the following:

1. J.E. Kirk, Surveyor, Portsmouth, Va. ~
2. Geo. J. Britt, near Windsor, Va.
3. A.A. Turner, near Boaz, Va.
4. Jonie Edwards, near Windsor, Va.
5. C.E. Davis, Commissioner of Revenue of Isle of Wight County.
6. W.E. Laine, County Treasurer.
7. A.S. Johnson, Isle of Wight, Va.

O.C. Davis 5/30/24

Plaintiff

If you will let me have a subpoena for Mr. Kirk addressed to the Sergeant of the City of Portsmouth, Virginia, I will have it served. If we find any additional witnesses necessary to be summoned later, will advise you promptly.

Yours very truly,

Hugh L. Holland

h/d

May 5th 1924

To the Clerk of the Circuit Court of County of
Isle of Wight.

Please summons the following
witness on behalf of Complainants in the
case of J. T. Helms et als vs L H Turner et als for

May 24th 1924

also summon
W. E. Gairns (Treas)
C. E. Davis (Clerk)
J. W. Babb

~~Bert Roberts, Windsor, Pa.~~

J. R. Kirk, Surgeon, Portsmouth, Va.

George J. Britt Windsor, Pa.

A. A. Turner, Boaz, Isle of Wight Co.

~~John E. Edwards, near Windsor, Va. suit J. R. E.~~

~~Jorie Edwards, near Windsor, Va.~~

A. S. Johnson, Isle of Wight Court House

C. J. Davis Jr.

Hugh L. Halland } P. G.

County of Isle of Wight

To

Dr.

Correspondence

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

December 15, 1923.

Mr. R.A. Edwards, Clerk,
Isle of Wight, Va.

Dear Sir:- Re: Nelms vs Turner

Mr. W.L. Cones, Deputy Sheriff, is in my office now, and is turning over to me for transmission to you original process in this matter, copies of which he has served on L.H. Turner, M.S. Turner, John W. Turner, Nettie Carr, Annie Stephenson, J.O. Stephenson and Nancy A. Turner (Sometimes called Nancy E. Turner). I hand you herewith this process with his return thereon covering above mentioned seven defendants.

This leaves only two other defendants yet to be summoned, namely Mattie S. Carr and B.H. Carr. Mr. Cones states that these two defendants have lived in Southampton up until a few days ago, but they have recently moved to Isle of Wight and are now living at the John W. Turner place. He states that he saw these two defendants today, but he did not have any copies to serve on them, but that he directed them to go to the Clerk's Office on Monday. I am writing to ask that you will issue a new process for Mattie S. Carr and B.H. Carr and have them served at the Clerk's Office when they come there Monday. If for any reason they do not come to the Clerk's Office Monday morning would like for you to try to have them served Monday afternoon by sending an officer to the J.W. Turner place, which is between Windsor and Isle of Wight Courthouse near Popes Avenue.

I am now handing Mr. Cones my check for \$3.50 to cover services on the seven defendants he has served and will thank you to make a note of that item in your record of cost.

Yours very truly,

Hugh L. Holland

H/ED

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

December 8, 1923.

Mr. R.A. Edwards, Clerk,
Isle of Wight, Va.

Re: J.T. Nelms, Gurlie Lee Nelms, Mamie Frye and John Frye
Vs: L.H. Turner, M.S. Turner, Jno. W. Turner, Nettie Carr
and Nancy A. Turner (sometimes called Nancy E. Turner)

Dear Sir:-

I hand you herewith memorandum in above-styled suit
returnable to Second December 1923 Rules.

It seems that several suits have been brought concerning
this subject matter.

The information that I have concerning the residence
of the defendants are as follows:

L.H. Turner	Route #3,	Windsor, Virginia
M.S. Turner	" #3	" "
John W. Turner	" #3	" "
Nettie Carr	" #3	" "
Annie Stephenson	" #3	" "
J.O. Stephenson	" #3	" "
Mattie S. Carr	Route #2	Zuni, Virginia
B.H. Carr,	" #2	" "
Nancy A. Turner	" #3	Windsor, Virginia.

This information does not state whether any of the defendants
reside in counties other than Isle of Wight or not. If you know
or can find out for me, I will appreciate it if you will send
process to such other county or counties for such defendants as may
reside outside of Isle of Wight. I understand that most all,
if not all, of this defendants live in Isle of Wight County,
but it may be that one or two of them live in Southampton County.

I enclose my check for \$10.00 to cover writ tax and deposit.
If you require additional deposit on account of the number of
defendants to be served, please let me know and I will be glad to
supplement this deposit.

If you do not think it will be possible to have the defendants
served by the 3rd Monday in December, please change this memorandum
to the following rule day and make process so returnable.

I enclose bill of complaint which I will thank you to
mark filed in this suit.

H/ED
Enc: 3

Yours very truly,

Hugh L. Holland

Proven mail
 Dec. 12-1923
~~at~~ left John
 Southampton B.

MA
 1923

2 1923

1923

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1923

1923

0

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

J.T. Nelms, Gurlie Lee Nelms, Nellie Nelms, Mamie Frye
and John F. Frye.

.....complainants

vs Memorandum

L.R. Turner, M.S. Turner, John W. Turner, Nettie Carr,
Annie Stephenson, J.O. Stephenson, Mattie S. Carr, B.H. Carr,
and Nancy A. Turner(sometimes called Nancy E. Turner)

.....defendants

Please summon defendants for complainants to Second
December (1923) Rules in Chancery.

Hugh Holland
p.d.

1
J.T. NELMS ET ALS

COMPLAINANTS

VS) MEMORANDUM

L.H. TURNER ET ALS

DEFENDANTS

10/1/00
2/1/00

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

In The Circuit Court of the
County of ...

J. T. Helms, George Lee Helms, Melville
Helms, Maria Foye and Geo. F. Foye
vs.

L. H. Turner, M. S. Turner, Geo. W. Turner
Arthur Carr, Anna Stephenson, J. O.
Stephenson, Mattie P. Carr, B. H. Carr
and Nancy A. Turner -

This day the cause came on to
be heard on the complainant's bill
and the answer thereto this day
filed by the defendant by leave
of Court, and was argued by counsel.
On consideration whereof the Court
with leave to sustain the said
complaint, with leave to the
said complainant to amend
the said bill within thirty days.
~~And if the same~~

Wilson
" 3
June

1424
J. M. L.
J. M. L.
J. M. L.

Order Bb 8
page 207

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT,
JUNE 9TH, 1924.

J. T. Nelms, Gurley Lee Nelms, Nellie
Nelms, Mamie Frye and John F. Frye

Vs:

L. H. Turner, M. S. Turner, John W.
Turner, Nettie Carr, Annie Stephenson,
J. O. Stephenson, Mattie S. Carr, B. H.
Carr and Nancy A. Turner

This day this cause came on to be heard on the Com-
plainant's bill and the demurrer thereto this day filed by the
defendant by leave of Court, and was argued by counsel.

On consideration whereof, the Court doth sustain the
said demurrer, with leave to the said Complainants to amend the
said bill within thirty days.

A Copy:

Teste _____ Clerk.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

J. T. NELMS AND OTHERS,

v.

L. H. TURNER AND OTHERS.

This day came the defendants and asked leave to file their answer to complainants' bill, which leave is hereby granted and the answer is ordered to be filed.

5
VIRGINIA: IN THE CIRCUIT
COURT OF ISLE OF WIGHT
COUNTY.

J. T. NEELMS AND OTHERS,

v.

L. H. TURNER AND OTHERS.

ORDER.

1924

May 5th

Entered

1924

C. V. B & S. Page 198

Copy of ans to J. T. N.

JOHN N. SEBRELL, JR.
ATTORNEY AND COUNSELLOR AT LAW
SEABOARD BANK BUILDING
NORFOLK, VIRGINIA

THE COMMONWEALTH OF VIRGINIA.

To the ~~Sherriff of the County of Isle of Wight~~ ^{Sergeant of the City of Portsmouth} :

WE COMMAND YOU to summon J. R. Kirk

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the courthouse thereof, on the 9th day of June, 1924, to testify and the truth to say in behalf of the defendants

in a certain controversy in our said court, before the said Judge depending and undetermined between

J. T. Nelms et als, plaintiff and

L. H. Turner et als, defendant.

And have there this writ. Witness, ~~A. S. JOHNSON~~ ^{R. A. Edwards}, Clerk of our said court, at the courthouse, the 30th day of May, 1924

R. A. Edwards Clerk

NOTE—APPEAR BEFORE THE CLERK AND CLAIM YOUR ATTENDANCE.

By E. Kay Wells

Ingrinal

CONTROVERSY

Nelms et als

A.

SUBPOENA
FOR
WITNESS

Turner et als

CIRCUIT COURT
OF
ISLE OF WIGHT COUNTY

the 9 day of June, 1924

H. F. R.

Executive Sub. 7th day of June
within the City of Portsmouth, Va. by
delivering a copy of the within subpoena
to Mr. K. H. R.

in person,

William J. R. Deputy Sheriff

by W. J. R. Deputy Sheriff

THE COMMONWEALTH OF VIRGINIA.

To the ~~Sheriff~~ ^{Sergeant} of the ~~County of Isle of Wight~~ ^{City of Hopewell}:

WE COMMAND YOU to summon W.H. Boyette, Sr

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the courthouse thereof, on the 9th day of June, 1924, to testify and the truth to say in behalf of the defendants

in a certain controversy in our said court, before the said Judge depending and undetermined between

J.T. Nelms et als, plaintiff and

L. H. Turner et als, defendant.

And have there this writ. Witness, ^{R.A. Edwards} ~~A.S. JOHNSON~~, Clerk of our said court, at the courthouse, the 30th day of May, 1924

R.A. Edwards Clerk

NOTE—APPEAR BEFORE THE CLERK AND CLAIM YOUR ATTENDANCE.

By E. Kay Wills
D. S.

Original

CONTROVERSY

Helms et al

SUBPOENA
FOR
WITNESS

Turner et al

CIRCUIT COURT
OF
ISLE OF WIGHT COUNTY

the 9 day of June 1924

Examined on the 2 day of June
1924, within the City of Hopewell,
Va., by delivering a true copy of the
within Subpoena in writing,
to G. H. Boyette, Son of H. H. Boyette
and above the age of 16 yrs
by A. S. J. Wheeler, City Sergeant
by A. C. Ginton, Deft

305-24
4-7-24

THE COMMONWEALTH OF VIRGINIA.

To the ~~Sherrif of the County of Isle of Wight~~
^{Sergeant of the city of Norfolk}

WE COMMAND YOU to summon A.S.J. Jakeman,

Hotel Lee.

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the
courthouse thereof, on the 9th day of June, 1924, to testify and the
truth to say in behalf of the defendants

in a certain controversy in
our said court, before the said Judge depending and undetermined between

J.T. Nelms et als, plaintiff and

L.H. Turner et als, defendant.

And have there this writ. Witness, ~~A.S. Johnson~~
^{R.A. Edwards}
Clerk of our said court, at the
courthouse, the 30th day of May, 1924

R.A. Edwards Clerk

NOTE--APPEAR BEFORE THE CLERK AND CLAIM YOUR ATTENDANCE.

By E. Ray Wells
D.C.

Original

CONTROVERSY

Helms et al

n } SUBPOENA
FOR
WITNESS

Turner et al

CIRCUIT COURT
OF
ISLE OF WIGHT COUNTY

the 9 day of June 1924

Executed in the City of Norfolk,
Va., this the 5th day of June 1924
by serving a Copy hereof on

A. S. J. Jareman

IN PERSON.

C. H. TUMBLESON,
Sergeant City of Norfolk, Va.

By C. H. Tumbleson
City Sgt

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of the County of Isle of Wight:

WE COMMAND YOU to summon J. T. Joyner, Richard Holland, Geo. J. Britt, A. A. Turner, Jonie Edwards, C. E. Davis, W. E. Laine, A. S. Johnson

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the courthouse thereof, on the 9th day of June, 1924, to testify and the truth to say in behalf of the plaintiffs

in a certain controversy in our said court, before the said Judge depending and undetermined between

J. T. Nelms et als, plaintiff and

L. H. Turner et als, defendant.

And have there this writ. Witness, R. A. Edwards
A. S. Johnson, Clerk of our said court, at the courthouse, the 30th day of May, 1924

R. A. Edwards Clerk

NOTE—APPEAR BEFORE THE CLERK AND CLAIM YOUR ATTENDANCE.

*By E. Kay Wells
W. C.*

Executed the within subpoenas, this the 5th day of June, 1924, by serving a true copy of the same, in person on J.T. Joyner, Geo. J. Britt, Jonie Edwards, C.M. Davis, W.E. Laine and A.S. Johnson. Not finding Richard Holland at his usual place of abode, I executed the within subpoena, this the 5th day of June, 1924, by serving a true copy of the same on Mrs. Rich. Holland, for the said Rich. Holland, and explained to her the purport of the same, she being a member of the family of the said Rich. Holland, and over the age of 16 yrs. Not finding A.A. Turner at his usual place of abode, I executed the with subpoena, this the 5th day of June, 1924, by serving a true copy of the same on Mrs. A.A. Turner, for the said A.A. Turner, and explained to her the purport of the same, she being a member of the family of the said A.A. Turner, and over the age of 16 yrs. In Isle of Wight Co.

Original

CONTROVERSY

Helms, et al

SUBPOENA
FOR
WITNESS

W.H. Chapman, Sheriff.

Turner

CIRCUIT COURT
OF
ISLE OF WIGHT COUNTY

the *5th* day of *June* 19*24*

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of the County of Isle of Wight:

WE COMMAND YOU to summon ^PFrank Porter, Jno. ^PHolland Sr. Jno. ^PHolland, ^{miss P}Richard ^PHolland, John ^PEdwards, Lennie ^PAtkins. J.E. ^PGray, R.S. ^PBracey, M.E. ^PBracey, Joe ^PLanding, G.E. ^PCarr, R.A. ^PAtkins, Mrs ^{miss P}Anna ^PBritt, Miss ^PBettie Thorne, P.D. ^PGwaltney Jr., W.F. ^{miss P}Beale, Thomas ^PFelton Jesse ^PWhitley, Coon ^PJoyner, Albert S. ^PJohnson, Linwood ^PGay, S.L. ^PGwaltney

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the courthouse thereof, on the 9th day of June, 1924, to testify and the truth to say in behalf of the defendants

in a certain controversy in our said court, before the said Judge depending and undetermined between

J. T. Nelms et als, plaintiff and

L. H. Turner et als, defendant.

And have there this writ. Witness, ^{R.A. Edwards}~~A.S. Johnson~~, Clerk of our said court, at the courthouse, the 30th day of May, 1924

T. I. Edwards Clerk

NOTE—APPEAR BEFORE THE CLERK AND CLAIM YOUR ATTENDANCE.

By E Kay Will
D.C.

Executed, in Isle of Wight County, as herein directed, this
the 5th day of June, 1924.

W. H. Chapman Sheriff.
P. D. Gwaltney not found in Isle of Wight Co.

the 9 day of June, 1924

ISLE OF WIGHT COUNTY
OF
CIRCUIT COURT

SUBPOENA
FOR
WITNESS

Sumner et al

Helms et al

CONTRORSY

Chapman

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of the County of Isle of Wight:

WE COMMAND YOU to summon

P. D. Swathum, Jr.

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the courthouse thereof, on the 9th day of June, 1924, to testify and the truth to say in behalf of the Defendants

in a certain controversy in our said court, before the said Judge depending and undetermined between

J. T. Nelms et als, plaintiff and

J. H. Turner et als, defendant.

And have there this writ. Witness, A. S. JOHNSON, Clerk of our said court, at the courthouse, the 30th day of May, 1924

R. A. Edwards Clerk

NOTE—APPEAR BEFORE THE CLERK AND CLAIM YOUR ATTENDANCE.

By E. Kay Wills
D. C.

P.D. Swallow, Jr.

CONTROVERSY

Julius, et als

r

{ SUBPOENA
FOR
WITNESS

Sumner

CIRCUIT COURT
OF
ISLE OF WIGHT COUNTY

the 9th day of June 19 24.

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of the County of Isle of Wight:

WE COMMAND YOU to summon

^{Mr. B.} Geo. J. Britt, ^{Burden} A. A. Turner,
^{et} Jonah Edwards, ^{et} A. S. Johnson, ^{et} W. E. Laine,
^{et} C. C. Davis, ^{et} J. W. Babb

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the
courthouse thereof, on the 29 day of May 1924, to testify and the
truth to say in behalf of the Complainants

in a certain controversy in
our said court, before the said Judge depending and undetermined between

J. L. Helms et al, plaintiff and
L. H. Turner et al, defendant.

And have there this writ. Witness, ^{R. A. Edwards} A. S. JOHNSON, Clerk of our said court, at the
courthouse, the 7 day of May 1924

R. A. Edwards Clerk

NOTE—APPEAR BEFORE THE CLERK AND CLAIM YOUR ATTENDANCE.

By E. Ray Willis
W. E.

Executed the within subpoenas, this the 8th day of May, 1924, by serving a true copy of the same on Jonah Edwards, A.S. Johnson, W.E. Laine, C.F. Davis and J.W. Babb, each in person. Not finding Geo. J. Britt at his usual place of abode, I executed the within subpoena, this the 8th day of May, 1924, by serving a true copy of the same on Mrs. Geo. J. Britt, for the said Geo. J. Britt, and explained to her the purport of the same, she being a member of the family of the said Geo. J. Britt and over the age of 16 yrs. Not finding A.A. Turner at his usual place of abode, I executed the within subpoena, this the 8th day of May, 1924, by serving a true copy of the same on Baula Turner, for the said A.A. Turner, and explained to her the purport of the same, she being a member of the family of the said A.A. Turner, and over the age of 16 yrs. In I sle of Wight Co.

H. H. Chapman, Sheriff.

Original

CONTROVERSY

Helms et al

SUBPOENA
FOR
WITNESS

Turner et al

CIRCUIT COURT
OF

ISLE OF WIGHT COUNTY

the *29* day of *May*, 19*24*

*Shd fees charged to
Wm J. D. Newman, Esq.*

THE COMMONWEALTH OF VIRGINIA.

Sergeant of the City of Portsmouth
~~To the Sheriff of the County of Isle of Wight:~~

WE COMMAND YOU to summon J. R. Kirk

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the
courthouse thereof, on the 9th day of June, 1924, to testify and the
truth to say in behalf of the Plaintiffs

in a certain controversy in
our said court, before the said Judge depending and undetermined between

J. T. Nelms et als, plaintiff and

L. H. Turner et als, defendant.

And have there this writ. Witness, R. A. Edwards
~~A. S. JOHNSON~~, Clerk of our said court, at the

courthouse, the 30th day of May, 1924

R. A. Edwards Clerk

NOTE—APPEAR BEFORE THE CLERK AND CLAIM YOUR ATTENDANCE.

By E. Kay Wills
D.C.

Original

CONTROVERSY

Helms et al

v. }
SUBPOENA
FOR
WITNESS

Turner et al

CIRCUIT COURT

OF

ISLE OF WIGHT COUNTY

the 9 day of June, 1924

Executed in the City of Portsmouth, Va. this the 5th day of June 1924 by calling at the usual place of abode of J.R. Kirk and not finding him there or any other person upon whom service could be made I left a copy of the within summons posted upon the front door of the usual place of abode of the said J.R. Kirk

W.E. Glover
City Clerk
J.B. Talbot
City Clerk

W.E. Glover

THE COMMONWEALTH OF VIRGINIA.

Nansemond
To the Sheriff of the County of ~~Isle of Wight~~ ^{Nansemond}:

WE COMMAND YOU to summon John F. Uzzell

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the
courthouse thereof, on the 9th day of June, 1924, to testify and the
truth to say in behalf of the defendants

in a certain controversy in
our said court, before the said Judge depending and undetermined between

J. T. Nelms et als, plaintiff and

L. H. Turner et als, defendant.

And have there this writ. Witness, R. A. Edwards
~~A. S. JOHNSON~~ Clerk of our said court, at the
courthouse, the 30th day of May, 1924

R. A. Edwards Clerk

NOTE—APPEAR BEFORE THE CLERK AND CLAIM YOUR ATTENDANCE.

By E. Kay Wills
D.C.

Original

CONTROVERSY

helms et al

P } SUBPOENA
FOR
WITNESS

Lerner et al

CIRCUIT COURT
OF
ISLE OF WIGHT COUNTY

the 9 day of June 1924

Entered on the 5th day of
June 24 within the county of
Hampden, by delivering a
true copy of the within process,
in writing to

W. J. L. John. H.

in person

E. B. Hawley

Sherriff of Hampden County.

THE COMMONWEALTH OF VIRGINIA.

To the ~~Sherriff of the County of Isle of Wight~~
Sergeant of the City of Suffolk

WE COMMAND YOU to summon David Lyons

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the
courthouse thereof, on the 9th day of June, 1924, to testify and the
truth to say in behalf of the defendants

in a certain controversy in
our said court, before the said Judge depending and undetermined between

J. T. Nelms et als, plaintiff and

L. H. Turner et als, defendant.

And have there this writ. Witness, ~~A. S. JOHNSON~~ ^{R. A. Edwards} Clerk of our said court, at the
courthouse, the 30th day of May, 1924

R. A. Edwards Clerk

NOTE—APPEAR BEFORE THE CLERK AND CLAIM YOUR ATTENDANCE.

By E. Kay Wills
D. C.

Original

CONTROVERSY

Helms et al

SUBPOENA
FOR
WITNESS

Turner et al

CIRCUIT COURT
OF
ISLE OF WIGHT COUNTY

the 9 day of June 1924

Executed June 3 1924

By serving a true copy thereof on the
defendant in person Turner

In the City of Suffolk, Va.

By J. R. Rader

J. R. Rader

THE COMMONWEALTH OF VIRGINIA.

To the ~~Sherriff of the County of Isle of Wight~~ ^{Sergeant of the city of Norfolk} :

WE COMMAND YOU to summon A.S.J. Jakeman,
Hotel Lee.

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the
courthouse thereof, on the 9th day of June, 1924, to testify and the
truth to say in behalf of the defendants

in a certain controversy in
our said court, before the said Judge depending and undetermined between

J.T. Nelms et als, plaintiff and

L.H. Turner et als, defendant.

And have there this writ. Witness, ~~A.S. JOHNSON~~ ^{B.A. Edwards} Clerk of our said court, at the
courthouse, the 30th day of May, 1924

B.A. Edwards Clerk

NOTE—APPEAR BEFORE THE CLERK AND CLAIM YOUR ATTENDANCE.

By E. Ray Willis
D.S.

A. S. J. Jakeman

CONTROVERSY

Helms et als

~ } SUBPOENA
FOR
WITNESS

Turner et als

CIRCUIT COURT
OF
ISLE OF WIGHT COUNTY

the 9 day of June 1924

124
124
250
498 Expense from Mpt.

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of the County of Isle of Wight:

WE COMMAND YOU to summon

A. A. Turner

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the
courthouse thereof, on the ~~24th~~ day of ~~June~~, 1904, to testify and the
truth to say in behalf of the ~~plaintiffs~~

in a certain controversy in
our said court, before the said Judge depending and undetermined between

~~J. H. Jones et al~~, plaintiff and

~~A. A. Turner et al~~, defendant.

And have there this writ. Witness, A. S. JOHNSON, Clerk of our said court, at the
courthouse, the ~~20th~~ day of ~~May~~, 1904

R. A. Edwards Clerk

NOTE—APPEAR BEFORE THE CLERK AND CLAIM YOUR ATTENDANCE.

*By E. Kay Wills
D.C.*

A. A. Turner

CONTROVERSY

Helms et als

vs

} SUBPOENA
FOR
WITNESS

Turner et als

CIRCUIT COURT
OF
ISLE OF WIGHT COUNTY

the 9 day of June 1924

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of the County of Isle of Wight:

WE COMMAND YOU to summon

Thomas Feltz

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the courthouse thereof, on the 9th day of June, 1924, to testify and the truth to say in behalf of the Defendants

in a certain controversy in our said court, before the said Judge depending and undetermined between

J. T. Helms et als

, plaintiff and

L. H. Turner et als

, defendant.

And have there this writ. Witness, R. A. Edwards Clerk of our said court, at the courthouse, the 30th day of May, 1924

R. A. Edwards

Clerk

NOTE—APPEAR BEFORE THE CLERK AND CLAIM YOUR ATTENDANCE

*By E. Kay Wills
D. C.*

Thomas Felton.

CONTROVERSY

Helms, et al

2 } SUBPOENA
FOR
WITNESS

Sumner

CIRCUIT COURT
OF
ISLE OF WIGHT COUNTY

the 7th day of January 1924

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of the County of Isle of Wight:

WE COMMAND YOU to summon

W. C. Laine

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the courthouse thereof, on the 9th day of June, 1924, to testify and the truth to say in behalf of the plaintiffs

in a certain controversy in our said court, before the said Judge depending and undetermined between

J. T. Nelms et als, plaintiff and

L. H. Turner et als, defendant.

And have there this writ. Witness, ^{R. A. Edwards} ~~Alex. Robinson~~ Clerk of our said court, at the courthouse, the 30th day of May, 1924

R. A. Edwards

Clerk

NOTE—APPEAR BEFORE THE CLERK AND CLAIM YOUR ATTENDANCE.

*By C. Kay Mills
D.C.*

H. E. Saine

CONTROVERSY

Helms if ad

1

} SUBPOENA
FOR
WITNESS

Turner

CIRCUIT COURT
OF
ISLE OF WIGHT COUNTY

the 9th day of June 1924

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of the County of Isle of Wight:

WE COMMAND YOU to summon

W. E. Laine

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the courthouse thereof, on the *29* day of *May, 1924*, to testify and the truth to say in behalf of the *Complainants*

in a certain controversy in our said court, before the said Judge depending and undetermined between

J. T. Helms et als, plaintiff and
L. H. Turner et als, defendant.

R. A. Edwards

And have there this writ. Witness, *A. S. JOHNSON*, Clerk of our said court, at the courthouse, the *7* day of *May, 1924*

R. A. Edwards Clerk

NOTE—APPEAR BEFORE THE CLERK AND CLAIM YOUR ATTENDANCE.

Ray E. Ray Willis
R. E.

W. C. Saine

CONTROVERSY

Belme et al

SUBPOENA
FOR
WITNESS

Turner et al

CIRCUIT COURT
OF

ISLE OF WIGHT COUNTY

the 29 day of May 1924

March 15
May 1

Stephen Boothe 105
Male dog

Shooting camp 200

Emma Lewis (sister)
also shot. (sister)

Shooting camp #184

Cheshire day
Redirection
Courtney

COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting:

We command you that you summon Mattie S. Carr and B. H. Carr,

to appear at the Clerk's Office of the Circuit Court of the County of
Isle of Wight at the rules to be holden for the said Court on the
Third Monday in December, 1923, to answer a bill
in chancery exhibited against them et als in our said Court by

J. T. Nelms, Gurlie Lee Nelms, Nellie Nelms, Mamie Fry and
John F. Frye,

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this 17th day of December, 1923, and in
the 148th year of the Commonwealth.

R. A. Edwards Clerk.

Holland & Davis p.q'.

J. L. Nelson et al.

VS ~~Chancery~~ Chancery No.

L. H. Turner et al.

ORIGINAL SUBPOENA.

VIRGINIA, Clerk's office of the Circuit
Court of the County of Isle of Wight:

192

Returned, entered and filed.

Teste:

Clerk

To Second Dec- Rules.
1923.
Holland & Davis

Executed the within
subpoenas this the 17 Day
of Dec 1923. by sending
a true copy of same on
Wattie S Carr & B H Carr
in person in the
County of Isle of Wight
J. H. Chapman Sheriff.
By W. R. Lewis D.S.

COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting:

We command you that you summon L. H. Turner, M. S. Turner, John W. Turner,
Nettie Carr, Annie Stephenson, J. O. Stephenson, Mattie S. Carr, B. H. Carr,
and Nancy A. Turner, (sometimes called Nancy E. Turner,

to appear at the Clerk's Office of the Circuit Court of the County of
Isle of Wight at the rules to be holden for the said Court on the
Third Monday in December, 1923, to answer a bill
in chancery exhibited against them in our said Court by

J. T. Nelms, Gurlie Lee Nelms, Nellie Nelms, Mamie Frye, and John F. Frye,

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this 12th day of December, 1923, and in
the 148th year of the Commonwealth.

Davis & Holland p.q.

R. A. Edwards Clerk.

By E. R. Wills
D. S.

2

J. H. Holmes et al
10
~~Virginia~~ Chancery No.

S. H. Turner et al

ORIGINAL SUBPOENA.

VIRGINIA, Clerk's office of the Circuit
Court of the County of Isle of Wight:

192

Returned, entered and filed.

Teste:

Clerk

Thos D. Lee

Rules.

Executed this 15th day of December, 1923, by delivering a true copy of the within summons to L.H. Turner, M.S. Turner, John W. Turner Nettie Carr, Annie Stephenson, J.O. Stephenson, and Nancy A. Turner (some called Nancy E. Turner) each, in Isle of Wight, County, Virginia, in person.

W. H. Chapman Sheriff.
Sheriff

By *W. L. Lewis*
Deputy Sheriff

In The Circuit Court of
Isle of Wight County Virginia
Value & as,

vs,
Sumner & as.

And the said defendants
come and say that the
Complainant's bill is not sufficient
in law.

In addition to all available grounds
defendants specify particularly

1. That the bill is multifarious
2. That it does not show what
rights if any the complainant are
entitled to
3. As to part of matter involved complainant has a remedy at law

W. H. Little
J. W. B. Phelps } p. d.

W. Nelson et al.
vs 3 Exch.
St. James et al.

Banner.

Filed -
June 9th 1924

Wm. R. A. Edwards
et al.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

J. T. NELMS, GURLEY LEE NELMS,
NELLIE NELMS, MAMIE FRYE and JOHN
F. FRYE,

v.

L. H. TURNER, M. S. TURNER,
JOHN W. TURNER, NETTIE CARR,
ANNIE STEPHENSON, J. O. STEPHENSON,
MATTIE S. CARR, B. H. CARR and
NANCY A. TURNER, sometimes called
NANCY E. TURNER.

The joint and separate answers of L. H. Turner,
M. S. Turner, John W. Turner, Nettie Carr, Annie Stephenson,
J. O. Stephenson, Mattie S. Carr, B. H. Carr and Nancy A. Turner,
sometimes called Nancy E. Turner, to a bill in equity exhibited
against them in the Circuit Court of Isle of Wight County,
Virginia, by J. T. Nelms, Gurley Lee Nelms, Nellie Nelms, Mamie
Frye and John F. Frye.

These respondents, saving and reserving to themselves
the benefit of all just exceptions which may be had or taken
to the said bill, for answer thereto, or to so much thereof as
they are advised that it is material they should answer,
answer and say:

1. It is true that by his last will and testament,
bearing date the 1st day of September, 1884, Shadrack Bracey
gave and devised to his sister, Matilda Bracey, all of his
property, except the Wester tract, which, by deed of same date,
he conveyed to A. J. Turner.

2. The allegations contained in item 2 of complain-
ants' bill are admitted.

3. That the will of the said Matilda Bracey will best show what devises are made therein, and that the original of the same is called for and that no admissions are made in this answer, except as to such facts as the said will shall disclose, and all allegations inconsistent with the said will are hereby specifically denied.

4. The allegations contained in item 4 of complainants' bill are admitted.

5. The allegations contained in item 5 of complainants' bill are true.

6. The allegations contained in item 6 of complainants' bill are denied.

These respondents say that the land described in this item is a part of the Wester tract conveyed to A. J. Turner by Shadrack Bracey on the 1st day of September, 1884. These respondents say that the map or plat referred to in said item of said bill has not been duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, and that the same was made upon information given to J. R. Kirk by the complainants and their representatives.

7. The will of Matilda Bracey speaks for itself, and strict proof of the said will and its provisions is called for.

These respondents say that all of them were living at the time of the death of Matilda Bracey. and that all of these respondents, L. H. Turner, M. S. Turner, John W. Turner, Nettie Carr, Annie Stephenson and Mattie S. Carr, and the said Eva R. Turner, were jointly entitled to the Bracey home place upon the death of Matilda Bracey.

All of the other allegations contained in item 7 of complainants' bill are hereby denied.

The deed from Shadrack Bracey to A. J. Turner, filed as

exhibit "B", speaks for itself, and it is true that A. J. Turner conveyed the said land to Nancy E. Turner, and subsequent thereto the said A. J. Turner and wife conveyed to J. S. Persons the said tract of land, and that J. S. Persons on the same day conveyed the same property to A. J. Turner, with the exception of eleven (11) acres, which he reserved, and that afterwards A. J. Turner and wife conveyed to John W. Roberts a portion of the said tract, known as the Wester tract. These respondents deny that all of the said Wester tract was conveyed away by A. J. Turner and wife in their lifetimes, but, on the contrary, have made no conveyance of any part thereof, except such as have been specifically mentioned above; that they specifically state that the land described in item 6 of complainants' bill is a part of the Wester tract which has not been conveyed.

All further statements contained in the said bill which are not specifically admitted nor denied are herein neither admitted nor denied, and strict proof of each of said allegations is demanded.

And now, having fully answered the complainants' bill, these respondents pray that they may be hence dismissed with their reasonable costs, etc.

L. H. Turner,
M. S. Turner,
John W. Turner,
Nettie Carr,
Annie Stephenson,
J. O. Stephenson,
Mattie S. Carr,
B. H. Carr,
Nancy A. Turner, sometimes
called Nancy E. Turner,

By

James H. Carr
James H. Carr
Counsel.

James H. Carr
James H. Carr

VIRGINIA:
IN THE CIRCUIT
COURT OF ISLE OF WIGHT
COUNTY.

J. T. HELMS, ET ALS.,

v.

L. H. TURNER, ET ALS.

ANSWER

VIRGINIA: CLERKS OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

May 5th 1924
Filed
Teste *R. A. Edwards* Clerk

LAW OFFICES OF
JAMES H. CORBITT
SUFFOLK, VIRGINIA

VIRGINIA,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

.....
J.T.NELMS, GURLEY LEE NELMS, NELLIE NELMS, .
MAMIE FRYE and JOHN F.FRYE, .
Complainants. .
vs. . IN CHANCERY.
L.H.TURNER, M.S.TURNER, JOHN W.TURNER, . BILL.
NETTIE CARR, ANNIE STEPHENSON, J.O. .
STEPHENSON, MATTIE G.CARR, B.H.CARR .
and NANCY A.TURNER, sometimes called .
NANCY E.TURNER, .
Defendants. .
.....

TO THE HONORABLE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

Your complainants, J.T.Nelms, Gurley Lee Nelms, Nellie Nelms, Mamie Frye and John Frye, respectfully represents:

(1) That one Shadrach Bracy by his last will and testament bearing date the 1st day of September, 1884, proved March 3rd, 1885, entered in Will Book 31, page 673, Clerk's Office of the Circuit Court of Isle of Wight County, gave and devised to his sister Matilda Bracy all of his property, a copy of said will is attached hereto and prayed to be made a part of this bill and marked "Exhibit A".

(2) That said Shadrach Bracy, by his deed bearing date the 1st day of September 1884, Deed Book 48, page 14, Clerk's Office aforesaid, conveyed to A.J.Turner the Wester Tract of land for his attention and kindness from childhood to present, a copy of said deed is attached hereto and prayed to be made a part of this bill and is marked "Exhibit B".

(3) That said Matilda Bracy, by her last will and testament bearing date the 24th day of August, 1886, and proved April 7th, 1890, entered in Will Book 32 page 503, Clerk's Office aforesaid, gave and devised to Eva R.Turner, daughter of A.J.Turner, and the deceased wife of J.T.Nelms, and deceased mother of Gurley

Lee Nelms and Mamie Frye the Low Tract of land; to M.S.Turner, son of A.J.Turner at her death the Wiley Turner Tract of land; to A.J.Turner his life and at his death to his lawful heirs at her, the said Matilda Bracy's death the balance of her real estate not above mentioned etc.

(4) On the 26th day of February, 1904, Eva R.Nelms, formerly Eva R.Turner the wife of J.T.Nelms died leaving as her heirs at law, her husband, J.T.Nelms and her two children namely, Gurley Lee Nelms and Mamie Frye.

(5) That A.J.Turner on the 20th day of August, 1920, died leaving as his heirs at law the following: Gurley Lee Nelms, Mamie Frye, children of Eva R.Nelms, deceased, the daughter of A.J. Turner, deceased, and the following children: L.H.Turner, M.S. Turner, John W.Turner, Nettie L.Carr, Annie Stephenson and Mattie S.Carr.

(6) Said complainants, Gurley Lee Nelms and Mamie Frye, children of Eva R.Nelms, deceased, subject to the courtesy right of J.T.Nelms, own the following real estate in fee-simple. by virtue of the will of Matilda Bracy above referred to, as follows:

" All that certain tract of land, situated in the County of Isle of Wight, in the State of Virginia, containing one hundred and thirty-two and two one hundredths (132.02) acres by actual survey, plat of which is hereto attached, made a part of this bill, and marked "Exhibit C" and is bounded on the North by the lands of James W. Robinson and the Pope Tract, on the East by the lands of John W. Roberts, and J.S.Persons, on the South by the Old Bracy Homeplace, Jesse Whitley, Wiley Turner and others and on the West by the lands of James Gray and others, for more particular description reference is hereby made to above referred to map or plat, made by J.R.Kirk, Norfolk County Surveyor, in June 1921, duly of record in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia.

(7) Paragraph four of the will of Matilda Bracy, de-

ceased, above referred to, provides as follows:

"I give and bequeath to A.J.Turner his life and at his death to his lawful heirs at my death the balance of my real estate not above named."

At the death of the said Matilda Bracy in 1890, such of the heirs of A.J.Turner living at that time inherited the Bracy Homeplace, hereinafter described, at the death of A.J.Turner. Eva R.Turner through whom your complainants inherited and claim was a lawful heir of the said A.J.Turner at the time of his death and also at the time of Matilda Bracy's death. Your complainants are advised that some of the defendants were heirs of A.J.Turner at the time of the death of Matilda Bracy and that others were not because they were not living at the time of the death of Matilda Bracy. Your complainants call on the defendants for strict proof showing that such of the defendants as claim under the fourth paragraph above referred to of the will of Matilda Bracy were living at the time of the death of Matilda Bracy, so as to entitle them to participate under that paragraph of her will. Your complainants allege that as heirs of A.J.Turner they are entitled to certain shares in the Bracy Homeplace by virtue of said paragraph four of Matilda Bracy's will, the extent of their interest in said Matilda Bracy Homeplace depending upon the number of A.J.Turner's children that were living at the time of the death of Matilda Bracy. The Bracy Homeplace above referred to is bounded and described as follows:

"All that certain piece, parcel or tract of land, with improvements thereon, lying, situated and being in the County of Isle of Wight, in the State of Virginia, containing by estimation one hundred and fifty-six (156) acres, more or less, your complainants are advised and believe that the acreage of this particular tract of land is considerably in excess 156 acres, and that there is considerable valuable standing timber thereon adjoining said Low Tract of land. For a more particular description of said tract of land reference is hereby made to the respective wills of Shadrach

Bracy and Mills Bracy, his father, duly of record in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia.

That said Shadrach Bracy on the 1st day of September, 1884, conveyed to A.J.Turner by deed, what was mentioned therein as the Wester Tract of land, acreage not stated, therein, a copy of said deed is attached hereto, marked "Exhibit D" and made a part of this bill. A.J.Turner afterwards conveyed to his wife, Nancy E. Turner the same tract of land conveyed to him by Shadrach Bracy by deed dated the 1st day of September 1884, and subsequent thereto, the said A.J.Turner and wife conveyed to J.S.Persons the aforesaid mentioned tract of land, and the said J.S.Persons on the same day conveyed all of said tract of land back to A.J.Turner with the exception of Eleven (11) acres that he (J.S.Persons) reserved. Afterwards said A.J.Turner and wife conveyed to John W.Roberts a certain tract of land purporting to be a part of the Wester Tract deeded by Shadrach Bracy to the said A.J.Turner as above set out. Your complainants are informed that all of the said Wester Tract was conveyed away by A.J.Turner and wife in their life time. However, on the other hand, since his death there has been some intimation that there was still left a part of the said Wester Tract owned by A.J. Turner at the time of his death and not conveyed during his lifetime.

Your complainants desire that the question as to whether A.J.Turner died seized and possessed of any part of the Wester Tract be ascertained and determined. If it be so determined that the said A.J.Turner was seized and possessed of a part of the said Wester Tract at the time of his death, then your complainants are the lawful heirs of A.J.Turner, deceased, and are entitled to their respective shares and interest therein, and in that event pray that the same be decreed them.

Your complainants allege that there is a dispute between the parties to this suit as to the true boundary lines be-

tween said Low Tract and said Old Bracy Homeplace Tract. Your complainants further allege that various contentions and claims are being made by said defendants with reference to said above mentioned tracts of land which are calculated and do tend to dispute the boundary lines of the tracts above set-out, and to make uncertain the true boundary lines thereto, that such contentions and claims on behalf of the defendants are calculated to cloud the title to the aforesaid real estate and to lessen its market value. To determine the various questions raised by the defendants in this case would require a multiplicity of suits. To avoid a multiplicity of suits and establish and settle forever the true boundary lines of the aforesaid real estate, and the title thereto, and the interest of the various parties therein, and also for a partition of the Old Bracy Homeplace and any part of the Wester Tract, if any, this suit is established.

Your complainants allege that the Low Tract above set-out is the exclusive fee-simple property of your complainants and that they are entitled to have the true boundary lines thereto definitely established and settled forever and the title thereto determined by this court.

Your complainants further allege that the said Old Bracy Homeplace above set-out, and any part of the Wester Tract, if any, of which A.J. Turner may have died seized and possessed of, are, as they believe susceptible of partition among the parties entitled thereto; but should the property not be divisible in kind, complainants believe, that the interest of those who are entitled to the said real estate referred to in this suit, or its proceeds, will be promoted by the sale of the whole of the same, or by an allotment of part and the sale of the residue:

In consideration whereof and forasmuch as your complainants are remediless in the premises save by the aid of a Court of Equity, they pray that the said named defendants may be made parties

defendant to this bill and required, but not on their oaths, to answer the same, their oaths being hereby waived; that proper process issue; that the true lines and boundaries to the said Low Tract of land be established and determined, and that the said Low Tract of land be declared the property of your complainants in fee-simple, and that any cloud against the title to the same be removed and the title thereto quieted; that the remaining real estate above referred to, be determined as to its respective lines and titles and as to the interest of the parties therein; that said remaining real estate, exclusive of said Low Tract, be divided between the parties entitled thereto or else, if it cannot be so divided, that it may be sold and the proceeds divided among the parties according to their respective rights; that an account be taken of the rents and profits of all of the real estate from the time that the right of possession accrued to the respective parties hereto; that all proper orders and decrees may be made, accounts taken, and inquiries directed; that all proper costs and fees may be allowed to counsel for complainants in this cause for instituting and conducting this suit; and that your complainants may have all such further and other and general relief in the premises as the nature of their case shall require, or to equity shall seem meet.

And your complainants will ever pray, etc.

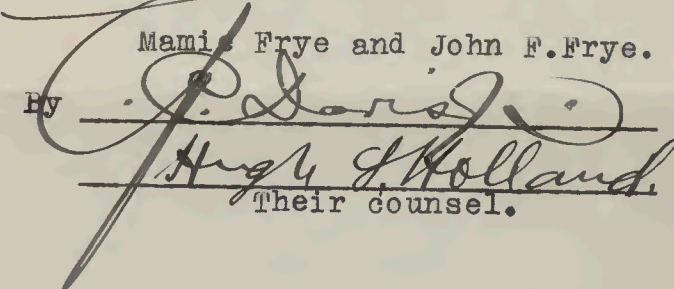
J.T.Nelms,

Gurley Lee Nelms,

Nellie Nelms,

Mamie Frye and John F. Frye.

By


Their counsel.

4
Virginia,
In the Circuit Court of
Isle of Wight County.

J.T.Nelms, et als.,
)
vs. (IN CHANCERY.
)
L.H.Turner, et als.

BILL.

Second December Rules 1923.
Bill filed, process returned
executed on all parties.
Decree Ni Si;

Third December Rules; 1923.
Defendants upon whom process
has been served and returned
not appearing to plead, demur
or answer, bill of Complaint
being taken as confessed,
Cause set down for hearing.

PHONE BERKLEY 285

QUINTON C. DAVIS, JR.
ATTORNEY AND COUNSELLOR AT LAW
SOUTH NORFOLK, VIRGINIA