

1835-011

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WILLIAMS' adm. & al vs TURNER'S EXT & al

4/1835

See also Williams v. Boykin, Adm v Briggs, 1835-60
Williams et al v Turner's Adm v 1829-48
etc

other SURNames: Powell
Ellis, Blow, Jackson,
Reese, Powel, Womack
HARRISON

x 7

Williams

or { Papers

Ellis sue

1832 Feb. Bill filed

" Apr. 1st. Ans. filed G.R. 2^d

" Aug. set for hearing

" Nov. Continued

1833 Apr. Cont. 2^d ffp.

1834 July. Leave to amend bill & make
non parties. cause sent to the Rules.

Leave for Dft. to amend his answer.

1835 Apr. Bill dismissed with costs 4th

Clk. - \$2.13
Law 16.66
\$18.79

Sept. 4th

John H. Johnson

By

John R Williams

v. { Bill

~~Clara Turner Estate~~

~~of Joseph Turner~~

Ben Ellis & wife Estate

of Joseph Turner

Filed February 6th 1932.

Honorable the Judge of the ^{Supreme} Court -
To the ~~worshipful~~ the ~~County~~ Court of Southampton

Humbly complaining sheweth to your ^{honour} ~~honour~~ ^{sitting}
your Compts, John R. Williams admr. of his late
wife Evelyn, late Turner, and as admr. of his late
wife Louiza, dec^d, who was Louiza Turner - that
Joseph Turner departed this life in the year 1844
having duly made and published his last will
and Testament, a copy whereof is herewith ex-
hibited as a part hereof: that by its provisions
after payment of his just debts, that his wife - Clary
Turner should hold all his estate real and personal
for the term of 18 years, or until either of his
two daughters should marry, then to be appraised
and divided between them. That the said Clary quali-
fied as Ex^{or} of the said will, and executed her
bond with James Jackson & Richard Harrison
as her securities - that the said Testator's daughter
Evelyn intermarried with your Orator in the year
1828, and living a short time died - that Louiza
the other daughter afterwards intermarried with
your Orator, and was murdered during the present
year - that your Orator has obtained letters
of adm^t on both estates, copies of which are here
with exhibited as parts of this Bill - He states
that the said Clary intermarried with W^m. D. Vane
- ele who died, and she has since intermarried
with one Benjamin Ellis - that the personal
estate, and re^v by the said Execution has not
been accounted for, or delivered up to be the
Legates according to the conditions of the said Will,

and not having is accounted, is now liable, ~~as~~ ^{on} her bond to your Compt for the same - Which cannot be recovered without the aid of a Court of equity. In tender consideration thereof, and in as much as your orator is without relief save by the interposition of this Court, ~~to the end~~ he prays that ~~Eliza~~ ^{now the wife Benj Ellis, together with her husband} Turner executrix of Joseph Turner may be made defendants to this Bill; and that the Court would make an order requiring Clara ~~Turner~~ ^{with her husband} to settle up her accounts as ~~administratrix~~ ^{to of Joseph Turner} before a Master Commissioner - and grant such ~~other~~ ^{further} general relief, as the nature of the case may seem to require & for this he ever prays &

Wells

vs

Ellis & wife

Filed April 2^d 1832.

Wells vs Ellis & wife

Perkins p. d.

1. The record, Jos. Turner
ought to be before the
Court.
2. If the record referred to
is the Co. Court more
false it might appear
that this case could
not be withdrawn.

To the honorable Robert B Taylor Judge of the Superior
Court of law and chancery for the County of South-
ampton in chancery sitting, the answer of Benjamin
Ellis, and Clara his wife defendants to a bill of com-
plaint exhibited in this honorable court by Robert
R Williams as admsr of Euelina and Louisa Will-
iams

These defendants now and at all times hereafter
reserving to themselves all benefit of exception
to the manifold errors uncertainties and
imperfections of the said bill for answer they do
say, that is true as set forth in the said bill that
the defendant Clara was the widow of Joseph Turner
and has since re married with the persons
named in the said bill. It is also true that the said
Joseph Turner made the will referred to and left
two infant daughters Euelina and Louisa both
of whom were married successively with the said
Robert R Williams and are now deceased, and
the said Williams has qualified as their admsr.
It seems not a little marvellous to these defend-
ants, that the said Williams should seek to charge
them, since ~~being~~ being indebted to these
defendants in a considerable amount for money
lent & received to their use, a decree was obtained
at his instance and at the desire of the defendant
Clara, at the March term of 1828 of the County
Court of Southampton, for the division of the
personal estate of the said Joseph Turner, and
the commissioners therein appointed, proceeded
in obedience of the said decree, to divide the
estate into three equal parts, all of which was
to the defendant Clara, & the remaining two thirds

to the said John R. Williams, in respect of his co-wives
Evelina & Louisa, he having been married with
the latter after the said decree had been obtained
(all of which will more fully appear hereafter
being had to the said decree & report of commission-
ers, here referred to and prayed to be taken
as a part of this matter). These defendants further
state, that in obedience to the orders of the County
Court of Southampton, obtained at the instance of
the said John R. Williams, they appeared with
their vouchers as before commissioners both
for the purpose of settling the account and
disbursements of the defendant Clara upon the
estate of the said Joseph Turner, and were
informed by him that it was necessary
to make up an account, as by the will of
the said Joseph the defendant Clara was
entitled to the residue of the estate up to the period
of the marriage of the first daughter. These
defendants were then, & are now of this
honorable Court thereof as directed prepared to
settle that account, up to the time when
by an order of the County Court of Southamp-
ton, the estate was taken out of the hands of
the defendant Clara, during the life time of
her second husband Powell, & committed to
the hands of the then Sheriff of Southampton
These defendants aver that the said John R.
Williams has received his full proportion
of the personal estate of the said Joseph Turner
up to the minutest article of property, & that
he is justly indebted to these defendants in a
considerable sum of money, the collection of
which they are only restrained from enforcing
by the desperate circumstances of the said John

R. Williams - These defendants having more fully con-
sented to the allegations of the said bill, pray
to be discharged with their costs, on their be-
half most unreasonably expended

Posker f. d.

Southampton County to wit

Personally appeared before me a justice
of the peace for the County aforesaid
Margaret Ellis and Clara his wife
who made oath that the facts stated in
this answer of their own knowledge are
true and those stated upon the informa-
tion of others they believe to be true
Given under my hand and seal this 2nd
day of April 1882

J. J. Land

Williams: 20

to { Sp^a. in bly.

Ellis wife

To February Rules 1832

Fr:

Accounted by delivering
each a true copy
July 3/1832

W^m H. Webb of
Clement Rockwell & H^y

The Commonwealth of Virginia to the Sheriff of Southampton County
Greeting: We command you to summon Benjamin Ellis and Clara his
wife Late Elary Turner Executrix of Joseph Turner dec^d to appear at the
Clerks Office of our Circuit Superior Court of Law and Chancery for said County
at the Rules to be held for said Court on the first Monday in February
next to answer a bill in Chancery exhibited against them in our said
Court by John R Williams Admor of his late Wife Evelina, dec^d late
Turner, and as Admor of his late Wife Louiza dec^d who was Louiza Turner.
And unless the said Defendants shall answer the said Bill
within four months thereafter the Court will take the same for confessed
and decree the matter thereof accordingly. And this they shall in no
wise omit under the penalty of \$100. And have them there this writ.
Witness James Rochelle Clerk of our said at the Courthouse of said
County the 22^d day of December 1831, in the 56th year of the Common-
wealth.

James Rochelle Clk

William

to John:

Ellis & Co

The Commonwealth of Virginia to.

Gentlemen Justices of the Peace for the County
of Southampton. Greeting. Know ye that we trusting in your fidelity and
prudent circumspection in diligently examining whatever witnesses as well
on behalf of John R Williams Adm^r of Evelyn Williams and as Adm^r
Louisa Williams plaintiff as of Benjamin Ellis and Clara his wife
late Clara Turner Ex^r of Joseph Turner dec^d Defendants in a Suit now pend-
ing in the Circuit Superior Court of Law and Chancery for Southampton
County. Command you or any two or more of you that at such time and place
as you shall appoint you assemble yourselves and the witnesses before you, you
call and cause to come and diligently examine them on the Holy Evangelist
of Almighty God and their examination into our said Court distinctly and
plainly without delay you send and certify enclosed returning also this
verid^l Witness James Rochelle Clerk of our said Court at the Courthouse this
16th day of July 1832 In the 57th year of the Commonwealth—

James Rochelle *clerk*

This day personally appeared before me Edmund Underwood, and made oath, that on yesterday it being the 17th. this present month, that he delivered to Mrs. Clarissa Ellis the wife of Wm. Ellis, at their House, a true Copy of the within notice.

Given under my Hand this 18th. day of Oct.
1832

J. M. L. Cooritt, J. C.

William

to E. H. H.

Ellis

Given Oct 30, 1832

Mr Benja Ellis & Clarissa Ellis you will
please to take notice that I shall on the 26th
Altimo at the house of Geo J Blow Serv. at the
Court Keep proceed to take the deposition
of Messrs John Kermack, Hendrick Jackson
William Francis Wm Everett and perhaps
others to be read in evidence in a suit
in chancery depending in the Circuit
Superior Court of Law and chancery
for this County in my name.
Whereas I am admr of my late wife
Corlina and Louisa Turner, Plaintiff
and you are defendants when and
where you may attend, if you think
proper

John R Williams
October 17th 1832

Southampton Co

For Wit. 3 This day personally appeared before
us R. V. Musgrave & James Maggs justices of the peace
for the County aforesaid ~~and deposed being sworn~~
at the X Says the persons before mentioned and being
only sworn deposed ^{and signed} as aforesaid - given under our
hands and seals this 26th Oct. 1832

Richard Eay

Black Sup. b. of law &c.

James

R. V. Musgrave J.P. Clerk
Jas. Maggs J.P. Clerk

James to have sealed Oct 29 1832

William

William

1832

Depositions taken at the house of Jno W. Blow, at the L Keys
on the 26 Oct. 1832. Pursuant to the accompanying Commission of Notice
to be read in evidence in a just now depending in the Circuit
Superior Court of Law & Chancery for the County of South-
ampton between in which Jno R. Williams admr of Evelina Williams
and as admr of Louisa Williams is plaintiff and Benjamin
Ellis & Mary his wife late Mary Turner Executors of Joseph
Turner dec'd are defendants.

Jno Monack of lawful age being duly sworn deposes as
follows -

Question by plaintiff. Do you recollect the acct. you saw
made out against Wm. & Powell in favour of the Estate of Joseph
Turner -

Ans. I saw an acct. which you brought over to my house
made out against Mr Powell. but as to the amt I can't re-
collect at this time. but some considerable amount. perhaps
between four & five hundred dollars.

Next by ptiff - What do you suppose was the date of the acct.

Ans. I cannot recollect.

Next by Defendant. How did Mr Williams say he came
by that acct.

Ans. He said Mrs. Ellis, (then Mrs. Powell) asked him
to look over her papers, that he found this acct among
them & put it in his pocket.

Next by Dft. Did you see Mr Williams have any other
papers other than that acct. and did they relate to Mr
Joseph Turners estate -

Ans. I did ^{see} some others. One or two bonds, and they
did relate to Mr Turners estate.

Next by Dft. Do you believe the amt charged in the acct
before mentioned justly due by Wm. & Powells estate to Joseph
Turners estate.

Ans. From the form the acct. I believe it was. It was
an acct for tobacco & perhaps a horse.

Quest. by Dft. do you not know that Mr Powell made one or two crops of tobacco before the tobacco charged in that acct was sold.

Ans. I don't know as to that.

Mr W Reese of Laurens age being duly sworn depose & sayeth

Quest. by Pthff. - do you remember seeing the acct before mentioned

Ans. I remember seeing Mr Williams have a parcel of papers respecting which he asked Mr Francis' advice, I saw two or three hogheads of tobacco mentioned on one of them, but have no particular recollection of any thing else.

Quest. by Pthff. - do you recollect from the acct that Mr Powell charged himself as debtor to the estate of Mr Turner for that tobacco

Ans. From the form of the acct and the conversation between you and Mr Francis, it appeared to me to be a parcel of tobacco made and housed before Mr Powell married Mrs Turner and that he sold it for his own benefit.

Quest. by Pthff. - do you remember the date of the acct.

Ans. - I do not.

Quest. by Dft. - do you remember that I came to your house in a short time and asked if Mr Williams had left the papers with you and told you that he took them from me arbitrarily.

Ans. I recollect that you came and asked about the papers and told me how he came in possession of them, but I can't recollect.

^{of Laurens age}
Kinced Jackson being duly sworn depose as follows.
Quest. by the Pthff. - do you remember ^{seeing} the papers before mentioned - and the acct spoken of.

Ans. I do remember seeing the acct and some other papers

Quest. Was the acct of considerable amt.

Ans. It was, but I don't recollect the amount.

Quest. do you not think from the form of the account that it was due to the Est of Joseph Turner by Mr. & Powell acct.

Ans. I should judge so.

Dolly Betty being of Laurens age and duly sworn depose as follows.

Quest. by Pthff. do you recollect being at Mrs Ellis' when the before mentioned acct was made to her by Mr Saml Ellis and taken out of his hand by her and thrown in the fire.

Ans. - Yes.

Quest. did you not hear her exult in being so successful as to dispossess me of those papers.

Ans. She said ^{that} she had intended to have them and that she had got them.

Quest. by Dft. How many papers did you see Saml Ellis have in his hands at that time.

Ans. I think there were three. I don't recollect positively by - by ~~Dft~~

Quest. do you know that the paper which I burnt was the acct alluded to above.

Ans. Yes. It was the same paper.
John Wornack
C. M. Byrd
Kinced Jackson
Dolly ^{the} Betty
mark

Williams et al.

is 3 Com. Report

Turner's Exec

Copies

filed by Asst. Commr
July 5, 1824-

Sauhampton County March Court 1828.

Williams and others

Peff^y } In Chancery

against
Clarissa Powell Executrix of Joseph Turner dec^d &c.

This Cause came on this day to be heard on the bill answer and exhibits and was argued by Counsel. Whereupon by consent of parties the Court doth adjudge, order and decree that Benjamin Turner Joseph T. Claud, and Wiley Francis be appointed Commissioners any two of whom may act, to divide the personal Estate of Joseph Turner dec^d into three Equal parts one of which shall be allotted to the defendant Clarissa Powell, one to John R. Williams, in right of his wife Evelina who was Evelina Turner, and one to Louisa Turner and that they make report of their proceedings to this Court in Order to a final decree. A Copy Teste James Rochelle C. C.

Sauhampton County October Court 1828.

Williams &c

Peff^y } In Chancery

against
Clarissa Powell Exec^{trix} of Joseph Turner dec^d &c.

By Consent of parties by their Attornies it is ordered that this Suit be removed in the name of John R. Williams and of his dec^d wife Evelina:
A Copy James Rochelle C. C.

In pursuance to the above Order of Court, We the undersigned Commissioners have divided the negro Slaves of Joseph Turner dec^d as follows We have allotted one third of said Slaves to the defendant Clarissa Powell and the Reserving two thirds to John R. Williams in right of his wife Evelina and Louisa Turner Viz
Lot N^o 1. Abram the Est to pay \$40. to keep him Nancy and child Pagan valued at \$225. Olive at \$100, Maria at \$25. to Clarissa Powell worth after taking off \$40. to keep Abram \$310. which is the one third.
Also Lot N^o 2 & 3. to John R. Williams. Eliza and child Harry valued at \$280. Phillis at \$200. and Andrew at \$100. which being the two thirds in valuation of said Slave after paying Lot N^o 1. forty dollars to keep Abram which we respectfully Submit to the Court. Given under our hands this 3^d day of February 1829.
Jos. T. Claud
Wiley Francis

Copius Teste James Rochelle C. C.

Williams's Tor

in { Exhibit

Ellis & wife

Filed with her Feb. 6. 1832.

In the name of God Amen. I Joseph Turner of the County of South-
ampton and State of Virginia being weak in body but of sound mind and
memory do make and ordain this to be my last Will and Testament in the
following manner to wit-

Item. 1st I lend to my beloved wife Clara Turner after paying my just debts all
my lands whereon I now live during her natural life containing three hundred &
ten acres and after her death it is my will and desire that the whole of my lands
above mentioned be sold and the money arising therefrom be equally divided be-
tween my two daughters Evalina Turner and Louisa Turner to them and their
heirs forever-

It is my will and desire that my wife Clara Turner do hold all my estate
both real and personal eighteen years or until either of my daughters marry, for
the benefit of raising my children. Should either of my daughters marry be-
fore they arrive to the age of eighteen years it is my will and desire that all
my estate be appraised and equally divided between my beloved wife Clara
Turner and daughters Evalina Turner and Louisa Turner to them and their
heirs forever-

I do hereby constitute and appoint my friends David Westbrooke and James
Jackson Executors and my wife Clara Turner Executrix of this my last will
and Testament. In testimony whereof I have hereunto set my hand and
affixed my seal this 19th day of September One thousand eight hundred and
fourteen.

Joseph Turner 

Signed Sealed and delivered }
In presence of }
Burrkett Murrell }
Exm^r E. B. Blake }
mark. }
John Foster

At a Court held for Southampton County the day of November 1814
This Will was presented in Court proved by the oath of Burrkett Murrell
and John Foster two of the witnesses therein and ordered to be recorded. And at
a Court held for said County of Southampton the 16th day of January 1815
Clara Turner the Executrix therein named who made oath according to
Law certificate is granted her for obtaining a probat thereof in due
form who gave bond & security. Whereupon &c.

Attest
James Rochelle Clk

Williams & son
Ellis & wife
or { exhibit

Ellis & wife

filed with bill February 6.
1832.

At a Court held for Southampton County the 20th day of October 1828.
On the motion of John R Williams who made oath and entered into and
acknowledged a bond (the Court requiring no security) in the penalty of
three thousands and dollars conditioned according to Law, certificate is granted
him for obtaining letters of administration on the estate of his deceased wife
Evelina Williams late Turner in due form.

Attest
James Rochelle

Williams's son

is { exhibit

Ellis & wife

pled with bail Feby 6th
1832.

At a Court held for Southampton County the 19th day of September 1831.

On the motion of John R Williams who made oath and together with Nathaniel Francis and John L Turner his securities entered into and acknowledged a bond in the penalty of two thousand dollars conditioned according to Law certificate is granted him for obtaining letters of administration on the estate of his deceased wife Louisa Williams dec^d. in due form -

Attest Teste James Rochelle Clk