

1903-22

Southampton County Chancery

Turner, James C.
et al

vs.

Turner, S. J. Mrs
et al

Land to be sold
and proceeds to be
distributed under direction
of this Court.

Wade, Mallie S.

Wade, Jno R.

Turner, Eliza

Turner, W. J.

Turner, Chas. G.

Ortlaw, J. D. Trustee

Turner, Rosa A

Turner, Percy

Turner, Eddie

Turner, Arthur

et al

James W. Turner
and others
vs.

Long et. Turner et.
vs.

1902, 2nd March Rules Field

L. A. Hay 6, 6.

TO THE HONORABLE, ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF
SOUTHAMPTON COUNTY, VIRGINIA.

Your complainants, ^{James} ~~James~~ W. Turner, Mrs. Mollie S. Wade, ^{and Mrs. R. Wade her} ~~husband~~ Eliza J. Turner, W. J. Turner and Chas. R. Turner, humbly complaining, show to the Court that in the year 1900, S. J. Turner, departed this life ~~intestate~~, leaving him surviving a widow, Mrs. ^{Loucy A} ~~S. J.~~ Turner, and your complainants, children by a former marriage, and the following children by his second marriage, namely: Rosa A. Turner, Percy Turner, Eddie Turner and Arthur Turner, the last four named children being under twenty one years of age; the said children are the only heirs at law of the said S. J. Turner, deceased.

Your complainants say that their said father, the said intestate, S. J. Turner, died seized and possessed of a certain tract of land, situate the County of Southampton, in the State of Virginia, and is bounded by the lands of J. D. Pretlow, the estate of Wiley Langford, deceased, and Oswin White, and which contains three hundred acres, more or less, it being conveyed to him by a deed from J. D. Pretlow and wife.

Your complainants say that there is a deed of trust on said land to secure to J. D. Pretlow a debt therein named to _____ Trustee.

Yours complainants are advised that they are entitled to have the said tract of land sold, and after the payment of the cost of this suit, the cost of sale and the deed of trust aforesaid, then to have the surplus divided between said children and said widow according to the statute in such case made and provided. They say that the said tract of land cannot be partitioned in kind among the parties there to entitled.

That as much as ~~your~~ complainants are without remedy, save in this Honorable Court, where matters of this sort are alone and properly cognizable; they pray that the said Mrs. S. J. Turner, J. D. Pretlow, _____ Trustee, Rosa A. Turner, Percy Turner, Eddie Turner and Arthur Turner,

the last four being infants under the age of twenty one years, be made parties defendant to this suit and required to answer this bill, but an answer on oath is hereby expressly waived as provided by Statute; that a guardian ad litem be appointed for the said infant defendants; that said tract of land be sold under orders of this Court and the proceeds of sale be distributed under the direction of this Court.

Your complainants pray that all such orders and decrees may be entered, inquiries and accounts, taken, stated and reported to Court as the nature of this case may require.

Notice is hereby given that the Court will be asked to allow a fee to Counsel conducting this cause.

And your complainants pray for all such ~~other~~ further and general relief as to equity and good conscience may seem meet, and they will ever pray, etc.,

Wm S. Hall and p. y.

James W. Turner
and others by
Wm S. Hall and
their atty.

and in case a division cannot
 be made, then that the
 said real estate may be sold
 subject to the widow's dower and
 proceeds divided among the parties
 according to their rights. That
 said J.D. Patton may be substituted
 a complainant in place of his
 vendors as aforesaid. all of which
 is

Respectfully Submitted
 J.D. Patton by
 Wm. H. H. H. H. H.

James Jones & Co
 3 Patton & J.D. Patton

James H. H. H. H.

Subscribed June 31. 1882

To the Hon R. R. Prentiss Judge of the
circuit court of Southampton Co Va.

your petitioner J. D. Pollow I humbly
petitioning. sheweth unto the court
that on oct 30th 1902 he bought and
had conveyed to him by deed of
bargain and sale all the interest
of Jos. W. Turner, W J Turner, Chas R
Turner. Mollie S Wade & Jas R. Wade
her husband and Eliza A Wade and
G W Wade her husband in the real
estate whereof Saml J. Turner died
seized and possessed. all will more
fully appear from a copy of said
deed herewith filed marked exhibit D
and prayed who read with this
petition. that the interest in or
undivided $\frac{5}{9}$ of the said real
estate. that he wishes Court ap-
pointed to set aside the the
widow - Lucy A Turner her dower
in the said real estate of her
deceased husband, and to then
assign to your petitioner $\frac{4}{9}$ of
the said estate and assign
the other $\frac{4}{9}$ jointly to the
infants Rosa A Turner, Percy Turner
Eddie Turner and Arthur Turner

Turner, et. al:

vs. }

SUBPENA
IN CHANCERY.

Turner, et. al:

Mr. S. Holland p. q.

To 2nd March Rules.Circuit Court.
1902

4 entered March 14th
1902 by delivering a
copy of this notice to
Lucy S. Turner the
deft. G. S. Bond sent
for J. W. Williams
(11) Supp

The Commonwealth of Virginia,

To the Sheriff of the County of Southampton. Greeting:

WE COMMAND YOU, That you summon Lucy R. Turner, Widow of Samuel J. Turner, dec'd. Rosa R. Turner. Percy Turner. Eddie Turner and Arthur Turner. The last four being infants under the age of twenty one years.

to appear at the Clerk's Office of the Circuit Court of the County of Southampton at the rules to be held for the said court on the 3rd Monday in March 1902, to answer a bill in chancery exhibited against them

in our said court by James H. Turner. Mollie S. Wade and John R. Wade her husband. Eliza J. Turner, W. J. Turner, and Charles R. Turner.

And have then there this writ. Witness L. A. Gay, Clerk of our said court, at the courthouse, the 13th day of March 1902, and in the 126th year of the Commonwealth.

Teste:

L. A. Gay b.b.

Mrs. Lucy A. Turner

vs.

}

SUBPOENA
IN CHANCERY.

p. q.

To

Rules.

Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Southampton Greeting:

WE COMMAND YOU, that you summon

Lucy A. Turner, widow of Samuel J. Turner, deceased, 17 yrs old Feb 28 1902, 18 yrs old Feb 6 1902, Eddie Turner and Arthur Turner, the last four being infants

under the age of twenty-one years.

to appear at the Clerk's Office of the District Court of the County of

Southampton at the rule to be held for the said court on the third Monday in

March 1902, to answer a bill in chancery exhibited against them

in our said court by James H. Turner, Mollie S. Wade and John R. Wade, her husband, Eliza J. Turner, W. J. Turner and Charles R. Turner.

And have then there this writ. Witness L. A. Gay, Clerk

of our said court, at the courthouse, the 13th day of March 1902, and

in the 22nd year of the Commonwealth.

Testo:

L. A. Gay S. C.

Thomas James W. et al.

vs. } State of R.I.

Thomas Tracy A. et al.

James W. Turner, Mollie S. Wade,
and John R. Wade, her husbands,
Eliza J. Turner, W. J. Turner
and Charles Turner. Plaintiffs
vs.

Lacey A. Turner, widow of
Samuel J. Turner deceased,
Rosa A. Turner, Percy Turner,
Eddie Turner, and Arthur
Turner, the last four being
infants under the age of twenty-
one years. Defendants

In Chancery

1902. 12th day of March. Process issued to 2nd March Rules.
1902. 2nd March Rules, Process returned executed.

Bill filed.

R. E. L. Watkins appointed
guardian ad litem to infant
defendants

Decees nisi

1902. 3rd, March Rules, Bill taken for confessed
and cause set for hearing

Turman Jas. W. et als

vs. } Stat. of cons.

Turman Lucy A. et als

Turner Jas. 1st et al.

vs. } Stat: of Costs

Turner Leroy R et al

Sum. 25, 1 cop. 13. receipt 18. ally. 10. dock. 18 = 84

Reels 1.00. Entering return 35. fil. bill 15 = 150

Do. Exhibits 15. Copy Exhibits 75 = 90

Filing petition of J. D. Prutton 15. ^{commissioner's} report of 21 = 60

4 decess 144. 6 copies 216. Tax Court re. 40 = 400

Filing away papers 25 = 25

to horse 47.89

J. W. H. 50

Laure. 16.50

\$24.89

Fee of Commissioner Walter Vire 1.00

" " " A. J. Joyner 1.00

" " " J. M. Gardner 1.00 = 3.00

\$27.89

Teste: L. A. Gay 1.00

Dec. 7th, 1903. J. D. Prutton paid L. A. Gay 20.00

Teste: L. A. Gay et. Bal due 7.89

Tarmon etc etc.

to { copy S. J. Tarmon will

Tarmon etc etc.

Exp.

In the name of God Amen.

I, Samuel J. Turner, of Southampton Co. Va, make this my last will & Testament hereby revoking all other wills & testaments heretofore made by me.

First - I desire my Executor hereafter named, to have my body buried in a manner suitable to my station & influence in life.

2nd I wish all of my just debts paid.

3rd I have One hundred & twenty-five dollars which I received from sale of land belonging to my first wife. I desire that amount to be paid to my first wife's children, James, John, Charles, Mollie & Eliza.

4th I wish all of my personal property sold, & the money received from the sale of that, & money from all other sources to be divided equally between my wife & all of my children to share and share alike, James, John, Charles, Mollie & Eliza, Rosa, Percy, Edward and Arthur.

5th I wish my land to be divided as follows, first one third in value to my wife Lucy during her life, & at her death to be divided equally

between all my children above
named. And the other two thirds
to be divided between my children
equally at my death.

Should a majority of my heirs
including my wife desire it, the
whole of my land may be sold
and the money divided as the
land would be. Should my wife
not wish her to be sold, & a
majority of the other heirs wish
them sold; they can have it done,
I shall leave my friend J. D. Pettus
the Executor of this my last will
& testament. Witness my hand
and seal this the 7th day of October
in the year 1901.

S. J. Turner (seal)

Witness

J. O. Camp.

A. R. White.

Southampton County Court November
Turner 1901. A writing purporting to be the
last will and testament of Samuel
J. Turner decd. was produced in court,
and proved by the Oaths of J. O. Camp
and A. R. White the subscribing witnesses
thereto, and ordered to be recorded
as the last will and testament of
the said Samuel J. Turner decd.

and on motion of J. D. Pettlow, the
executor therein named, who made
oath according to law, and together
with William Shands and C. F. Story,
as his securities, who justified on oath
as to their sufficiency, entered into
and acknowledged a bond, in the
penalty of \$3000.⁰⁰ conditioned as the
law directs, which bond is ordered
to be recorded certificate is granted
the said J. D. Pettlow, for obtaining
a probate of the said will in due
form.

Teste

B. F. McLemore, C. C.

True:

L. A. Gay, S. C.

We A. J. Joyner, Walter Vick, and John A. Gardner,
Commissioners appointed at the
term of the Circuit Court of Southampton
County to divide the land of Samuel J. Turner
dec'd. beg leave to submit the following report;

After being duly sworn we proceeded view and
divide the land as follows.

We allotted Mrs Lucy A. Turner the following part
of the farm including the buildings -
commencing at a branch, then going South
down the County road to a post, then East to
a post, then North to the said branch, then
down the said branch West to the place of
beginning.

Then to the ^{four} minor children as a
whole the following part of the farm
commencing at the South East corner of the
widow's dower and running East to the land

of Wiley Lankford, then along the line of
said Wiley Lankford, north to the land of
J. D. Pretlow, then West along the line of the
said J. D. Pretlow to the branch, then South
along the line of the widow's dower to the
place of beginning lastly, ^{to J. D. Pretlow the beginning} five shares ^{the beginning} having
been bought by him from the five oldest
children, namely as follows

All the land on the west side of the
County road and the land on the east
side of the said road beginning at the widow's
dower, then South down the said road
to the land of Calvin White, then East to
the land of Wiley Lankford, then west to the
place of beginning.

This division is satisfactory to all
the parties concerned that are of
lawful age and we believe to the
younger set so far as they can be.

Given under our hands this the 25th day of Feb, 1908.

Walter Vick
A. J. Joyner
J. H. Gardiner

Virginia

Southampton Co to wit

I J Faircloth a Justice of the peace in and
for the County aforesaid truly certify that
the above named Walter Vick, A. J. Joyner
John A. Gardiner who acted as Jurors
above before so acting were duly
sworn according to law by me
in my County aforesaid, bearing
under my hand this 26th day of
March 1908

J. Faircloth - J. P.

Turner et al

vs R. H. Jones

Turner et al

Entered April 9, 1902
Robert R. Hunt

we consent to this
deed.

W. S. Hall for
the defendants.

~~W. S. Hall for~~

W. S. Hall for

the defendants including

J. D. Priddy & R. A.

Priddy & R. A.

W. S. Hall
Don't let them say
anything about the deed

Turner et al,

vs

Turner et al.

This cause come
on this day to be heard on the
bill of complaint to which the
defendants therein named have
been duly summoned to answer,
and on motion of the complainants
for leave to amend their bill by
~~filed~~ making J. D. Pretlow, and
R. A. Pretlow, trustee, parties defendant
and by making a copy of the last
will and testament of S. J. Turner
deceased and exhibit ^{to be} filed with
the bill, and was argued by counsel;
On consideration whereof, the court
doth allow and authorize said amend-
ments made now before any appear-
ance

And by consent of parties entered
of record in open court, the court
doth adjudge, order and decree that
this cause be made a vacation
cause, that the papers herein may be
submitted to the judge of this court
for such decisions and decrees in va-
cation as might be made and
entered in term.

representative of S. J. Turner dec'd

Circuit Court of Southampton County, in vacation, on the 31st. day of December 1902.

James W. Turner and others

v.

Lucy A. Turner widow of Samuel J. Turner deceased and others

This cause which has been heretofore regularly submitted to the Judge of this Court for such decisions and decrees in vacation as might be made in term, came on this day to be heard upon the papers formerly read and upon the petition of J. D. Pretlow this day filed by leave of Court, and was argued by counsel.

On consideration whereof the court doth adjudge order and decree that the prayers of the said petition be granted, and that this suit hereafter proceed in the name of the said J. D. Pretlow as complainant#; that Walter Vick, John A. Gardner, Alexander J. Joyner, L. L. Manry and R. M. Batten, who are hereby appointed for the purpose, any three of whom may act, having been first duly sworn, do proceed to assign and allot unto Lucy A. Turner widow of Samuel J. Turner deceased, by metes and bounds, one equal third part in value of the land described in the bill of which the said Samuel J. Turner was seised of an estate of inheritance during his marriage with the said Lucy A. Turner, as and for her dower therein; and the said Commissioners shall also proceed to divide the said real estate after such dower has been assigned into two parcels, four ninths of which shall be assigned to the infant# defendants Rosa A. Turner, Percy Turner, Eddie Turner and Arthur Turner, and the residue five ninths thereof shall be assigned to J. D. Pretlow, having regard in such division to quantity and quality. But if the said Commissioners shall find it impracticable to divide said land among the aforesaid parties, or should be of the opinion that the interest of said parties would be promoted by a sale of the same, in such case they are required to report the facts upon which their opinion is based to the Court, and also what in their opinion is the fee simple value of the whole of the said real estate; and in either case they are required to report their proceedings under this decree to the Court. They are authorized in their discretion to employ a surveyor if in their judgment it is necessary.

To the Clerk of the Circuit Court of
Southampton County:

Robert R. Mendenhall

Turner Jos, W, et al

vs 3 3rd Decree

Turner Lucy A et al

This day this
cause come on again to be heard
on the papers formerly read and upon
the report of A. J. Joyner, Walter Rich &
John A. Gardner filed March 30th 1903,
allocating dower to Lucy A. Turner
widow of Samuel J. Turner, in the real
estate whereof said Samuel J. Turner
did seized and possessed, and also
dividing the residue of said real
estate & giving to his minor children
Rosa A, Percy, Eddie and Arthur Turner
four ninths thereof, and giving to
J. D. P. Pellum the remaining five ninths
to J. D. P. Pellum. To which report no
exceptions have been filed and
was argued by Counsel. On
consideration whereof the Court
doth adjudge, order and decree
that the said report be, and the
same is hereby confirmed. and
that as per the said report; Lucy
A. Turner have allotted her as
her dower in the said real estate
those estate described as follows. "The

following part of the farm including the buildings. Commencing at a Branch, then going south down the county road to a point, then East to a point, then north to the said branch, then down the said branch ^{West} to the place of beginning."

That as per said report, the said minor children Rosa A, Percy, Eddie and Arthur Turner, have and hold jointly the following portion of said real estate. "Commencing at the South East corner of the said widow's dower and running East to the land of Wiley Lankford, then along the line of said Wiley Lankford north to the land of J D Prettow, then West along the line of the said J D Prettow to the branch, then South along the line of the widow's dower to the place of beginning" Some being $\frac{4}{9}$ of said real estate. exclusive of widow's dower

That as per said report. J. D. Prettow have and hold the remaining $\frac{5}{9}$ of said real estate exclusive of the widow's dower. Namely "all the land on the West side of the county road

the land on the East side of the said road beginning at the road's down, then South down the said road to the land of Oswin White, then East to the land of Wiley Lankford, then West to the place of beginning" And the court doth further adjudge order and decree that said ^{and this decree} report be recorded in the county clerk's office of Southampton Co Va. and after same is done that the original report be again replaced in these papers.

Virginia — In the Clerk's office of Southampton County Court Oct 7 1903
The foregoing decree confirming report of commission assigning down to the widow of S. J. Turner said was admitted to record by order of Court
Teste
B. F. McDemore C. C.

Turner for Walter
1903

N 3 Final Deed

Turner Lucy A Jr &

Entered on page
Vol 39

To be entered

Oct 6th 1903

Robert H. Huntis

Turner Jas M et al
vs
M 3 Final Decree
Turner Lucy et al

This day this
cause come on to be heard upon
the papers formerly read, and it
appearing from the papers herein that
there is nothing further to be done
in this cause, ~~and was agreed by counsel~~
~~on a stipulation~~ of the court doth
adjudge order and decree that the
same be removed from the docket
and the costs herein to be paid by J. D.
Pettow. —