

1909-108

Southampton County Chancery

West, James R. vs Turner, Fannie B. et al

wants partition of property, if
not convenient, then see if
either party will buy out the
entire piece of property -

West, Mrs Rebecca R (dec'd)

Prince, J. B. Exr of
Rebecca West (dec'd)

Coker, Fannie

Wankford, S. J.

plaintiffs { Turner, Hattie B.
" , Mark

Seabrell, W. J.
(G. A. L.)

To the Honorable R. R. Burtis judge of the
circuit court of Southampton County, in
chancery sitting

Humbly complaining your
Orator James R. West sheweth unto your Honor
that in September 1898 Mrs Rebecca L West of
Southampton County departed this life leaving
some estate both real and personal and having
first duly made her will which was duly
admitted to probate in the county court of
Southampton and J. B. Paine the executor
therein named qualified as such all of which
will more fully appear by a certified copy on
the said will herewith filed marked exhibit
A and prayed to be taken as a part of this
bill. Your Orator sheweth further unto your
Honor that Mrs Rebecca L West who was his
aunt, by the said Will gave to Hattie Bee
Turner, and Mark Turner, who were infant
children of Mark W Turner dec'd, one half
of her estate both real and personal and
the other half thereof to your Orator
James R West, by the said will the executor
Mrs West then provides that should the said
Hattie Turner and Mark Turner die under
age and without children surviving then
that the part given them should go to
your Orator, and that should your Orator

(who is now of age) ~~should~~ die under twenty
one years of age without children surviving
him. That the share given him ~~should~~
go to the children of Mark W Turner dec^d
and should be to the children above
named of Mark W Turner dec^d and given
Orator die under age and without children
surviving them then that ~~the said~~ her
estate should equally to her two nieces
Fannie Coker ^{formerly Fannie Turner} and S. J. ~~Turner~~ ^{Turner} of our Orator
should further unto your Honor that his
uncle Mrs. West, and Mark W. Turner who was his
uncle were joint tenants of a piece of
real estate lying in the Town of Canton
consisting ~~consisting~~ of a house known
as the Poplar Hotel and about two
acres of land adjoining and that the
Hotel is situated on the said lot of land
your Orator states further that his uncle
Mark W. Turner is dead leaving the two
infants named in the bill, and Mrs. Fannie
his widow his heir at law, and that Mrs.
Fannie B. Turner is now entitled to dower
in Mark W. Turner's undivided half in the
said real estate. The two infant children
named in the bill are both under fourteen
years of age. Your Orator states further
that Mrs. West as far as he can ascertain

B. Turner

over no debt thus being a very small sum
or money in the hands of the executor

J. B. Pinner Your Orator states further that the
maiden name of Mrs Coker and Lankford before
marriage was Turner they being the sister of
Mark W Turner dec. Your Orator brings this
suit for partition of the above said real estate
and ~~real estate~~ and the allotment of his portion
thereof to him and asking that if partition thereof
cannot be made that the same be sold and
the money be divided according to the rights
of the parties entitled to the same

In Tender consideration ^{of whom} and ~~maximally~~
at Your Orator is without adequate remedy at
law and only entitled to full relief in a
court of equity where such matters are peculiarly
cognizable he therefore prays that, J B Pinner
executor of Rebecca L Wat dec, Fannie B.
Turner, Fannie Coker, S. J Lankford, Hattie
B Turner and Mark Turner the two last infants
infants of tender ^{years} by W. J. Abner their guardian
ad litem may be made parties defendant to
this bill and that the court would compel them
as full and perfect answer to the allegations
therein contained as if they had been themselves
more fully interrogated but answer to the
same under oath is hereby expressly waived
that the court would direct one of its commissioners
to enquire into and report what is the value

of the real estate in question, its value both
for simple and annual whole partition
can be made on the same according to the
right of the parties as set forth in this bill
and in partition cannot be lawfully made
whether any of the parties will take the entire
subject matter and pay to the other parties
such sum of money as their interests therein
may entitle them and that the court would
grant such other and general relief the
justice considers as equity may dictate and
the nature of ^{this} case may require and
as in duty bound your Honor will ever
pray we and the undersigned give notice to all
parties interested that he shall ask the court
to allow his attorney Messrs Shands to receive a
reasonable fee for their services rendered in this
case

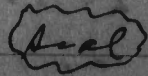
Shands & Son Jr. & Co.

In the name of God Amen;

I Rebecca L. West do declare this to be my
Last Will & Testament.

After the payment of my debts, I devise my
estate both real & personal as follows; one
half to Hattie Best Mark Turner, infant children
of M. W. Turner died, and one half to James West.
Should the children of said M. W. Turner died,
die under age and without children surviving
them I desire the part given them should go
to James West. Should James West die under
21 years of age & without children surviving
him, then the share given him is to go to the
children of M. W. Turner died, and should both
of the children of M. W. Turner died, and James
West die under 21 years and without children
surviving them, then I desire the property
to go equally to Fannie Turner & L. J. Lank-
ford, my two nieces.

I appoint my friend J. B. Primmer my Executor,
and ask the Court in which he qualifies not
to require any security of him. Witness my
hand and seal May 26, 1891.

Rebecca^{her} L. West 
mark

Witness -

R. L. Fagan

L. A. Bell

Southampton County Court, September Term 1898.
A writing purporting to be the last Will and
Testament of Rebecca L. West, decd. was
produced in Court and ^{proved} by the oaths of R. D. Fagan
and C. A. Bee, the subscribing Witnesses thereto,
and ordered to be recorded as the last Will
and Testament of the said Rebecca L. West, decd.
and on motion of J. B. Prince, the Executor therein
named - who made oath according ^{to} law, entered
into and acknowledged a bond in the penalty of
Five Hundred Dollars, conditioned as the law
directs, but without security - the Will directing
that none be required and the bond requiring
none, which bond is ordered to be recorded.
Certificate is granted the said J. B. Prince for
obtaining a probate of the said Will in due form
and on the further motion of said Executor, L. A. Gay,
Jas. E. Debrill and B. F. McLemore are appointed
appraisers who being duly qualified will
appraise the estate of said decedent, and return
the same under their hands, as the law directs.

Teste:

B. F. McLemore C. C.

A Copy, Teste: L. A. Gay C. C.

West James R.

vs. } Statement of Rules

Permer et als.

James R. West

Plaintiff

vs.

J. B. Primmer, Exor. of Mrs Rebecca L. West,
decd. Fannie B. Turner, Fannie Looker,

S. J. Lantford, Hattie B. Turner &

Mark Turner, the two last named

being infants by H. J. Sebrall their Gdn.
ad litem.

Defendants

1899. 18th. March. Process issued to 2nd. March Rules

1899. 2nd. March Rules. Process returned executed.

Bill and exhibits filed

H. J. Sebrall appointed Gdn. ad litem

to infant defendants

Decease nisi vs. Adult defendants.

1899. 3rd. March Rules. Answer of Gdn. ad litem filed.

Bill taken for confessed

as to adult defendants and

cause set for hearing as

to them.

S. J. Lankford
I hereby acknowledge
legal service of
the within summons
S. J. Lankford

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon J. B. Perico Exor of Mrs Rebecca
L. West, dec^d - Fannie B. Turner - Fannie Collier S. J.
Lansford. Mattie B. Turner + Mark Turner - the two last named
infants by M. J. Sebrun their Guardian ad litem.
to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden
for the said Court on the 3^d Monday in March 1899 next, to answer a bill in Chancery
exhibited against them in our said Court by James R. West.

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 18 day of

March, 1899, in the 123 year of the Commonwealth.

Teste: B. L. A. Lagrone C. C.

A Copy—Teste: _____ C. C.

Memoranda to all.

ads

West.

Summer of 1888
B. Turner.

The answer of Fannie B. Turner to a bill in chancery exhibited against herself and others in the circuit court of Southampton county, Virginia by James B. West.

This respondent reserving to herself the benefit of all just exception to the many errors, inaccuracies, & insufficiencies in the said bill contains, for answer thereto, or to so much thereof as it is material for her to answer, answering, says:

That she has filed a bill of review or petition for a rehearing in the suit of Stokes, Myers & Co. v. M. W. Turner's administrators for the correction of an error therein, and, this respondent believes if said error is corrected and Rebecca L. West is required to pay what in justice and in equity she should pay then she will have no estate to pass under the will filed with the bill in this case, and there will be no need or occasion for this suit.

This respondent further says, that independent of the correction of the said error, the said plaintiff James R. West and his testatrix Rebecca L. West are both largely indebted to this respondent in sums sufficient to cover their interest in the subject matter of this suit, and if she is allowed to assert her claim in this suit then she will file an itemized statement of said indebtedness.

As to the other allegations in the said bill contained this said respondent neither admits nor denies the same, but calls for proof if necessary.

And having fully answered this respondent prays to the honor be dismissed with her costs in this behalf expended. & she will ever say &c. P^t

Turner is also

ads 3

3

James R. West

Amicus of infant death

Heather 13 n Mark. Turner

By Geo ad Litem.

1899. 21st. Mo. Filed

L. A. Gay l. l.

The answer of Walter B. Turner and Mark Turner
two infants of tender years by W. J. Sebrell Their
guardian ad litem to a bill in chancery by James
R. West on Turns and others

This defendant for answer to the said
bill on as much turns as he is advised it is material
for him to answering says that he knows nothing
of the facts set forth in the plaintiffs bill but
submits the interests of his wards to the care of this
court whose peculiar duty it is to look after and
protect the rights of infants and having fully
assumed the charge to be discharged with his
costs

Signed W. J. Sebrell, Guardian ad litem

Shands is son J. C.

Wet

r. —

Turner et al -

To S. J. Lankford

I hereby acknowledge
due and legal service of
the within notice -

S. J. Lankford.

OFFICE OF JOS. B. PRINCE, JR.,

Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.

Courtland, Va., Dec. 22nd 1900 ~~7~~

To

D. J. Lankford

You are hereby notified that I have fixed upon the 7th day of January 1901 if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit:-

- 1:-The actual and annual value of the real estate in the bill and proceedings mentioned. *in the suit West v. Turner et al.*
- 2:-Whether partition of the same can be conveniently made in any of the modes prescribed by law among the parties entitled thereto, or whether the same will have to be sold and the proceeds divided among the parties entitled according to their respective interests.
- 3:-An account of the delinquent taxes due thereon, if any.
- 4:-Any other matter speciall stated deemed pertinent by the commissioner or which may be required to be so stated by any interested party.

required to be taken by a decree of Southampton Circuit Court, rendered at the October term, 1899 in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of said Court the day and year first aforesaid.

Jos. B. Prince Jr. Commissioner.

To the Sheriff of Southampton County to execute.

Virginia: In the Circuit Court of Southampton
County, October Term 1900

James R. West } Plaintiff
vs } Decree

J. B. Prince Exor of Mrs Rebecca L. West,
do od. Fannie B. Turner, Fannie Barker,
S. J. Lankford, Hattie B. Turner,
* Mark Turner, the two last named } Defendants
being infants by W. J. Sebrall their
Gdn. ad litem

This day this cause came on to be
heard upon the bill of Complaint and exhibits
herewith filed. Taken & confessed as
to the adult defendants. They still failing
to appear and plead, answer or demur
to said bill, the answer of the infant
defendants by W. J. Sebrall their guardian
ad litem, duly assigned at rules to defend
them in this suit, and was argued by
Counsel. On consideration whereof the
Court doth adjudge, order and decree
that one of the Commissioners of this Court
proceed to take the following accounts:
1st:- What is the actual and annual value
of the real estate in the bill and proceedings
mentioned.

2nd:- Whether partition can be conveniently made
of the same in any of the ways prescribed by law,
among the parties entitled thereto, or whether the

same will have to be sold and proceeds thereof divided among the parties entitled according to their respective interests.

3rd:- That said Commissioner will also report what delinquent Taxes, if any, are due on said property, and also report any other matter, specially stated, deemed pertinent by himself, or which he may be required so to state by any of the parties interested.

By consent of all parties given in open Court by their attorneys, ordered that this cause be submitted to the judge of this Court, for such decision and decree herein, in vacation as might be made in term.

A Copy.

Teste: L. A. Gay, Jr.

West

vs. } Copy, Decree
Jensen et al.

Enter this Decree

Oct. 3rd. Term 1900

Robert R. Prindle

Entered page 329-30

West

v. { Commissioner's
notice.

Turner et als.

Executed by de-
livering a copy of
this notice to each
of the within named

defendants & atty S. J. Lauckford

J. W. Williams
Atty

I hereby acknowledge
legal service of the within
notice

Atty for Plaintiff.

(4)

OFFICE OF JOS. B. PRINCE, JR.,

Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.

Courtland, Va., December 22nd 1900. ~~###~~

To James R. West, Plaintiff,

v.

J. B. Prince, Exor. of Rebesca L. West, decd., Fannie B. Turner,
Fannie Coker, S. J. Lankford, Hattie B. Turner and Mark Turner
by W. J. Sebrell, guardian ad litem for the last named two, in-
fants.

You are hereby notified that I have fixed upon the 7th-day of January 1901,
~~next~~ if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at my office,
the following accounts, to-wit:

- 1.) What is the actual and annual value of the real estate in the bill
and proceedings mentioned.
- 2.) Whether partition of the same can be conveniently made in any of the
modes prescribed by law among the parties entitled thereto, or
whether the same will have to be sold and the proceeds thereof
divided among the parties entitled according to their respective
interests.
- 3.) An account of the delinquent taxes, if any, due on said property.
- 4.) Any other matter specially stated deemed pertinent by the commis-
sioner or which may be required to be so stated by any interested
party.

required to be taken by a decree of Southampton Circuit Court, rendered at the October
term, ~~###~~ 1900 in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs
and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of said Court the day and year first
aforesaid.

Jos. B. Prince Jr. Commissioner.

To the Sheriff of Southampton County to execute.

We acknowledge legal service of the within writ.
this 18. day of March 1899.

West

2 } Summons

West's Exor et al:

1899. 2nd March Rules.

Civ: Set:

Executed March 20th 1899
By delivering a copy of
this notice to each of
the within named parties
at their places.
J. J. Williams
Clerk

(14)

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon *J. B. Prince, Ex'r. of Mrs. Rebecca L. Nash, dec'd.* *Fannie B. Turner - Fannie Cook - S. J. Landford -*
Hattie B. Turner & Mark Turner - the two last named being infants
of W. J. Sebrall their Guardian ad litem -
to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the *3^d* Monday in *March 1899* next, to answer a bill in Chancery exhibited against *them* in our said Court by *James R. Nash*

And this *they* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this *18* day of

March, 1899, in the *123* year of the Commonwealth.

Teste: *L. A. Gay* C. C.

A Copy—Teste: *L. A. Gay* C. C.

James R. West
vs 3 Deene

} Plaintiff

J. B. P. nica & of Mrs Rebecca L. West dec'd
Fannie B. Turner; Fannie Cooks; S J
Lankford. Walter B Turner & Mark
Turner the two last named being
infants by W. J. Schell their Guardian & Litem

This day

this cause come on to be heard upon
the bill of Complaint and exhibits
herewith filed, taken ~~as~~ for confessed or
do the adult defendants. they still failing
to appear and plead answer or demur
to said bill, the answer of the infant
defendants by W. J. Schell their Guardian
& Litem, duly assigned at rules to
defend them in this suit, and was
argued by counsel. - on consideration
whereof, the Court doth adjudge,
order and decree. That one of the
Commissioners of this Court proceed
to take the following accounts:

1st

What is the actual and annual
value of the real estate in the
bill and proceedings mentioned.

2

Whether partition can be ^{conveniently} made of
the same among the parties
presented by law, among the parties
entitled thereto. or whether the

same well have to be sold and proceeds thereof divided among the parties interested according to their respective interests.

3rd That said Commissioner well also report what delinquent taxes, if any, are due on said property and ~~that~~ will also report any other matters, specially stated, deemed pertinent by himself, or which he may be required or to state by any of the parties interested.

By consent of all parties given in open court by their attorneys, ordered, that this cause be submitted to the judge of this court for such decision and decree therein, in vacating as might be made in terms.

Enter this Decree

~~Spencer~~ 1899

Oct 3rd Term 1900

Wm. R. Spencer

Went ✓ 1909.
✓ 3rd Decree

Spencer et al

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12-1-00