1838-009 · Chancery Causes · Martha Turner, by r c vs James Turner

Isle of Wight County

other SURNAMES: Edwards

any other persons whomsoever for the
promotion of justice and the establish-
-ment of her right and claim and the keeping
the Courts: unit of said bond drawn
as in duty bound she will ever pray &c.
attested J. G.

Martha + Turner
mark

Ala. Wayne County Sct. This day before the
undersigned acting a justice of the peace for
said County came Martha Turner
and John Sheppard
who made oath that the allegations in the
foregoing bill are true so far as depends on
their own knowledge, and that so far as
they depend upon the knowledge of others
they believe them to be true — Given
under my hand and seal this 3rd day
of May 1837.—

Jas. A. C. Lordan J.P. (Seal)

Filed in my office
May 5th 1837
Jas. A. C. Lordan
Clerk

May Term 1837 Bill filed &
Subpoena issued returnable
May & 1837 Sept. Rule Day
October 11th 1838
Continued at the Oct. Term

the said James Turner in his stead & Mary from the day of marriage & drove her from his house and compelled her to fly to her father's & the said Mary kept the premises for her father & continued to keep the same for her father & her husband & refused to return to his house from which he had driven her - she did return but he would again order her to leave the house, locked up every thing to which she could resort for support, forbade her his bed and board and said unless she would go away, he would beat her often - her father has died - she has been forced to leave her husband's house and never subsists only by the kindness and charity of others - he has several times taken up every kind of provision that they had and left home with the keys, telling her that she should have nothing - In this forlorn condition, she has been advised that she can be relieved in this Court of Equity alone, and therefore she now makes her appeal to the justice of the Court - The said James Turner is a hard headed and perverse man of much other estate, & could enable him with industry to support her in comfort, especially when she is willing to labour to the extent of her ability to promote their mutual comfort and happiness, if he would treat her as a wife - but the said James Turner has expressed his determination that she should not support out of his property and that he will sell the whole of it & leave the state of Virginia - he has already sold a part of his property such as hogs and other things, and is about to leave to be sold - he has abandoned your orator and treated her with the greatest cruelty and persecution - has beaten her without any provocation - she has no means of living, and if she can't have a maintenance allowed to her out of the said James Turner's hand to support her, she must have to live upon the charity of others, aided by what she can do in the way of labour — and she being now in the delicate condition of a child, her ability to labour is greatly decreased

In tender consideration whereof, the premises that the said James Turner may be made a defendant hereto, and be required upon his corporal oath, full, true, perfect and direct answer to make to all and singular the allegations aforesaid, as fully as if the same were hereinafter repeated, and he thereto more particularly interrogated - that you will impose upon the said James Turner a suitable restraining injunction, and that he may be required also to pay to the next friend of the plaintiff a reasonable sum of money towards defraying the necessary charges of the suit on her part - that he may be restrained from conveying away his estate so as to defeat the support of your orator, and that the Court will grant

To the Honble the Judges of the Circuit Superior Court of Law and Chy. for the District of Co. of Kanawha humbly complaining, shews to the Court your Orator Martha Jones wife of James Jones of said County, that on the [illegible] day of December last, she was married to the said James Jones and indulged the hope and expectation that they should live together in peace and comfort and she does that every thing which her sense of propriety dictated to be proper, she did one towards her said husband, with the anxious desire to promote their mutual happiness, but contrary to her reasonable expectations, the said James in a month or less after the marriage commenced treating her with coldness - neglect which she could not by close conduct on her own part account for, and in a few weeks after marriage exhibited to this complainant his suspicions that she was unfaithful to his bed - not content with charging upon her these disgraceful acts, of which she has never been guilty, and in truth she does that she has never exercised any conduct (so far as she knows or believes) calculated to induce such suspicions) he has charged her openly & publickly with cohabiting with other men and with persons not of her own colour - and she has appealed to her God and to the publick in support of her innocence of such foul accusation,

Circuit Superior Court of Law & Chancery for Isle of Wight County May 8th 1837

Martha Turner by John Edwards her next friend Plt.

against

James Turner . . . . . Deft. } In Chancery

This cause came on this day to be heard on the bill of the complainant and affidavits filed, on consideration whereof the court doth adjudge, decree, & order that the defendant pay to the said John Edwards next friend for the plaintiff quarterly fifteen dollars commencing on the first day of May 1837 and to continue until the further order of this court, which sum of fifteen dollars quarterly to be paid as aforesaid, is for the maintainance and support of the plaintiff - It is also ordered that the defendant pay to the said next friend the sum of Twenty dollars to be applied by him towards the costs of conducting this suit, and the court doth also order that the defendant, his agents, and all others, be restrained from selling, conveying away, or in any other manner disposing of his estate to the prejudice of the plaintiff until the further order of this court, liberty is reserved to each party, at any time, to apply to the court to have an increase or diminution of the said quarterly allowance as circumstances may in future make it proper.

A Copy Teste Neath. Young. C. C.

Executed May 16. 1837 by delivering a true copy of this to the defendant

G. W. Councill D.S. for J. H. Buck Shff

Turner Pl. Friend
Vs.
Turner
In Chy.

To June Rules 1837

C. C.

&c.

Pl. Atty. May 17th 1837

Turner vs Turner

BLAND & HILL, PRINTERS, PORTSMOUTH.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight *County*, GREETING:

WE COMMAND YOU to summon James Turner

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of Isle of Wight, at the Court House of said County, on the first Monday in October next, being Rule day, to answer a bill in Chancery in the said Court exhibited against him by Martha Turner by John Edwards her next friend

and if he shall fail to answer the Bill within four months thereafter, the Court will take the said Bill for confessed, and proceed to decree the matter thereof accordingly. And have then there this Writ.—Witness NATHANIEL YOUNG, Clerk of our said Court at the Court House, the 8th day May 1837, in the 61st year of the Commonwealth.

Nath'l Young

Journal de Recettes

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agent

and that she shall be free from any disturbance from the said James Turner but that she shall be suffered to live where she may choose immediately by him the said James Turner so long as they may both live. Now therefore this indenture witnesseth, that the said James Turner doth hereby transfer and set over to the said John [illegible] Edwards in trust for the benefit of the said Martha Turner wife of the said James Turner the bond and seal aforesaid, to be used by him for the benefit of the said Martha without any control or interference of the said James Turner

And the said Joseph Turner is hereby authorized and required to pay to the said John Edwards all my interest in right of my wife in the said estate as fully as he could do to me, the same help for her benefit and advantage. In testimony whereof the parties to these presents have hereto set their hands & seals this 9th day of May 1838

his
James + Turner (Seal)
mark

John Edwards (Seal)

Test.
[illegible]
[illegible]
[illegible]

Agent for

An agreement made and entered into this 5th day of ~~September~~ July 1838, between James Turner of the one part, his wife Martha Turner of the second part and John Edwards next friend of the said Martha of the third part witnesseth, that whereas the said James Turner and his wife Martha have lived separate and apart for several months, and now are separate and apart, and a suit has been brought in the Circuit Superior Court of Law & Chancery for the County of Isle of Wight in favor of the said Martha by the said John Edwards her next friend wherein such order has been made for ~~her~~ quarterly payments by the said James Turner and whereas it is agreed by and between the said James Turner and his wife and the said John Edwards her next friend, that if he will transfer and pay over to the said John Edwards the following bonds or obligations, to wit, one obligation dated July 1838 for the sum of $129 ~~with interest thereon~~ and one other bond dated the 5th Sept 1838 for the sum of $93.77½ ~~executed by the said John Edwards~~ which is now in file in the Clerk's office of Isle of Wight in the suit of division of Jos. Turner estate and all other interest which in right of his said wife he has in Joseph Turner estate

that the said suit for alimony shall be dismissed at the cost of the said James Turner; and that no further or other allowance shall be asked of the Court in the said suit for alimony. And that the said Turner and wife will live separate and apart

Lucius

Lucius

Martha Lemon by her next fd — by John Edwards her next fd —

and

James Lemon —

On motion of the complt. by Counsel. Action or his attorney, it is ordered that James Lemon the defendt in this suit, ~~shall~~

This cause came on this day to be heard on the Bill of the complainant, and affidavit filed; on consideration whereof the Ct doth adjudge and order that the defendant pay to the said John Edwards next friend for the plff: quarterly, commencing on the first day of May 1837, and to continue until the further order of this Court ~~in the premises~~ ~~shall be~~ ~~and the same~~ ~~hereby is~~ ~~ordered~~ ~~accordingly~~ ~~and~~ ~~decreed~~ ~~that~~ ~~the~~ ~~defendant~~ ~~pay~~ ~~to~~ ~~the~~ ~~said~~ ~~John~~ ~~Edwards~~ ~~next~~ ~~friend~~ ~~for~~ ~~the~~ ~~plff~~ ~~quarterly~~ ~~commencing~~ ~~on~~ ~~the~~ ~~first~~ ~~day~~ ~~of~~ ~~May~~ ~~1837~~ ~~and~~ ~~to~~ ~~continue~~ ~~until~~ ~~the~~ ~~further~~ ~~order~~ ~~of~~ ~~this~~ ~~Court~~ ~~in~~ ~~the~~ ~~premises~~ which sum of $15 quarterly to be paid as aforesaid, is for the maintenance and support of the plff. It is also ordered that the defendt pay to the said next friend the sum of $20 to be applied by him towards the costs of conducting this suit and the Ct doth also order that the defendant, his agents &c be restrained from selling, conveying away or in any other manner disposing of his estate to the prejudice of the plff. until the further order of this Court — Liberty is reserved to each party, at any time, to apply to the Court, to have an increase or diminution of the said quarterly allowance, or circumstances may in future make it proper —

Martha Tansley
Jno Edmonds Jr.
vs
Ex Chf
James Tansley

May Court 1837
Bill filed for alimony.

vs 2 Wheaton
Prentiss 154.
1 Johnson Ch
Kirby 364
Denton vs
Denton

Purcell vs
Purcell
4th Rob Rep
Jno. 507 —
4 Randolph
667. —
Almond vs
Almond —