

1933-053 Chancery Causes: J. W. Turner, L. H. Turner + Annie Stephenson
Dale of Wight County vs M. S. Turner, Mathe S. Carr val

401

other surnames: Bracey, Frye,
Nelms

Clerk's Office
of Isle of Wight County
Isle of Wight, Va.

R. A. Edwards, Clerk

March 12th, 1923.

Sheriff C. A. Bell,

Courtland, Virginia.

Dear Sheriff-,

Re J. W. Turner et als.,

Vs.

Mattie S. Carr et als.

I am at a loss to understand why I cannot hear from you with reference to the process in the case of Turner et als Vs. Carr et als and am again calling upon you to let me know something or to serve the enclosed process. On January 13th last I mailed you Chancery subpoena to be served upon Mattie S. Carr of your County in the above suit, the same was returnable to the 1st Monday in February, not having any response from you on the return day of the process, several days after I mailed you an original subpoena and wrote you at the same time that in case you had served process in the first place and the same had become lost in the mails to make your return on the one I enclosed and return to me at once, and stated further that if you had never received the original subpoena to advise me at once so that I could forward another for service, however up to the present time I have never heard a word from you on the subject and having been recently advised by one of the parties in the suit that no service had even been had on Mattie S. Carr, I now forward you another summons in the case returnable to the third Monday in March and will thank you to try if possible to get the same served, and returned here not later than the 21st inst.

As to your fee in the matter if you will send Mr John N. Sebrell Jr your fee bill he will take care of same. Thanking you for your prompt attention to the matter in question, I remain Very Respytly Yours,

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

January 9, 1923.

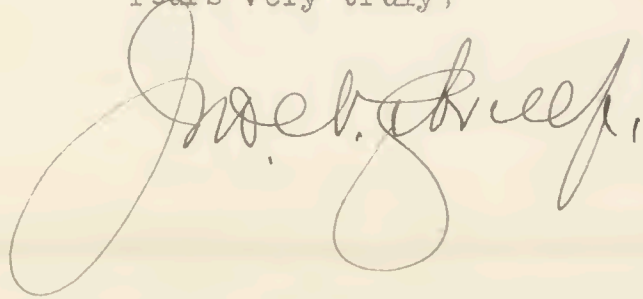
Mr. R. A. Edwards, Clerk,
Isle of Wight, Va.

Dear Sir:

Enclosed please find memorandum for suit in Turner
et als. v. Carr et als, and also check for \$7.50 covering
advanced costs and writ tax.

Please issue process as directed in the memorandum,
sending the one for Mrs. Mattie S. Carr to the Sheriff of
Southampton County at Courtland, Virginia, and those for
Nelms and Frye to me. The other defendants live in Isle of
Wight.

Yours very truly,



jns-eww

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

MEMORANDUM:

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

J. W. TURNER, L. H. TURNER,
AND ANNIE STEPHENSON,

Complainants,

v.

MATTIE S. CARR, NETTIE L.
CARR, GURLEY LEE NELMS,
MAMIE FRYE, and J. T. NELMS, *v M. S. Turner.*

Defendants.

Summons in Chancery to Rules First Monday in
February, 1923.

John N. Sebrell, Jr.
P. Q.

Direct process for Mattie S. Carr
and send to the Sheriff of Southampton
County;
Send process for J. T. Nelms, Gurley
Lee Nelms and Mamie Frye to John N.
Sebrell, Jr., Norfolk, Virginia.

J W. Turner et al

vs G.

Maurice S. Carr et al,

Memo.

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

Jun. 13 1923
Filed

Testo, B A Edwards Clerk.

Def 7.50

Process return 1/15/23 mailed

3 orig
5 copies.

Turner et al.

vs } # 701 ✓

Carr et al.

March TERM 1933. Filed

CLK.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
APRIL 26TH 1933.

Turner et al.

vs: # 401

Carr et al.

It appearing, pursuant to a decree entered herein on the 6th day of March, 1933, that the parties, or their Counsel, have been notified by the Clerk of this Court of the terms of said decree, and no good cause having been shown, it is ordered that this cause be removed from the docket, with leave to restate the same as provided in Section 6172 of the Code as Amended.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
MARCH 6th 1933.

Turner et als

vs: # 401

Carr et als

IT APPEARING that this cause has been on the docket of this Court for more than two years, and that no order has within said period been entered herein, it is therefore ordered, pursuant to the provisions of Section 6172 of the Code of Virginia, as amended, the Clerk of this Court be directed to notify the parties to this cause, if known, or their counsel of record, at his or their last known address, in writing, at least fifteen days before the 25th day of April, 1933, so that on said day all parties named have an opportunity to be heard, and that, except for good cause to then be shown, this cause will be removed from the docket for failure to prosecute the same to a final decree.

Turner et al.

401

Caru et al.

C.O.B # 9

Page 81

COMMONWEALTH OF VIRGINIA:

SOUTHAMPTON

TO THE SHERIFF OF ~~ISLE OF WIGHT~~ COUNTY—Greeting:

AS WE HAVE HERETOFORE COMMANDED YOU

We command you [^]that you summon Mattie S. 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.....March....., 1923....., to answer a bill
in chancery exhibited against her et als in our said Court by

J. W. Turner, L. H. Turner, And Annie Stephenson.,

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this.....12th.....day of.....March....., 1923....., and in
the.....147th.....year of the Commonwealth.

R. A. Edwards Clerk.

Executed in Southampton County Virginia, this 15th day of March 1923
by delivering a true copy hereof to the within named Mattie S Carr,
in person.

C Lo A Bell Sheriff
Of Southampton County Va

Mattie S Carr

V ~~IRGINIA~~ Chancery No. *401*

Carr if ad

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 *2 March*

Rules.

1923.

Jos W. Bell for. P.G.

C. A. BELL

Sheriff of Southampton County

COURTLAND, VA.,

Mar 15

192

3

Mr R A Edwards least
Isch of Nighth-Co

Dear Sir

Am sorry that I have caused
you so much trouble about this matter
but she did not appear on the tax books
and I did not know her and I have
been trying to locate her before writing you
which I did accidentally to day met Mr
Benson Carr on the road with some ladies
and asked him if he knew her and he
told me that she was his wife and that
she was with him. So I succeeded in
serving the paper at last again expressing
my regret for causing you so much
trouble I am with best wishes

Yours Truly
C. A. Bell

COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting:

We command you that you summon M.S. 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
_____ 1st _____ Monday in _____ February _____, 1923 _____, to answer a bill
in chancery exhibited against _____ ~~vs~~ ^{him & others} _____ in our said Court by

J.W. Turner, L. M. Turner, and Annie Stephenson.,

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this _____ 24th _____ day of _____ January _____, 1923 _____, and in
the _____ 147th _____ year of the Commonwealth.

R. A. Edwards Clerk.

Turner et al

Turner Chancery No.

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 *1st Feb* Rules.

I executed the within summon this the 26th day of January 1923, within the
County of Isle Of Wight, Virginia by serving a true copy thereof on M. S. Turner
in person .

W. H. Chapman, Sheriff.

By *F. L. Wilson* D. S.

COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ^{NORFOLK}~~ISLE OF WIGHT~~ COUNTY—Greeting:

We command you that you summon J. T. Nelms, Gurley Nelms ,
and Mammie Frye

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
---First---Monday in---February---, 192~~3~~, to answer a bill
in chancery exhibited against ~~them et al~~ in our said Court by

J. W. Turner, L. H. Turner and Annie Stephenson, Complainants

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this 13th day of January, 192~~3~~, and in
the 147th year of the Commonwealth.

R. A. Edwards Clerk.

Ry E. Kay Mills
H. S.

Not finding J. J. Helms
at his/~~her~~ usual place of abode I exe-
cuted the within in the City of Nor-
folk, Va., this 3 day of Feb 1923
by delivering a copy hereof to

His Wife
she being then there, a MEMBER
OF HIS/~~HER~~ FAMILY and over
the age of 16 years, and giving infor-
mation of its purport to ~~her~~/him.

C. H. TUMBLESON,
Sergt. City of Norfolk, Va.
By C. B. Lesner Deputy

Not finding Gurley L. Helms
at his/~~her~~ usual place of abode I exe-
cuted the within in the City of Nor-
folk, Va., this 3 day of Feb 1923
by delivering a copy hereof to
His Sister, Mammie Frye
she being then there, a MEMBER
OF HIS/~~HER~~ FAMILY and over
the age of 16 years, and giving infor-
mation of its purport to ~~her~~/him.

C. H. TUMBLESON,
Sergt. City of Norfolk, Va.
By C. B. Lesner Deputy

Turner et al

Virginia Chancery No. _____

Carroll 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 1" Feb. 1923 Rules.

John W. Sebrell Jr., City
of Va.

Executed in the City of Norfolk,
Va., this the 3 day of Feb 1923
by serving a Copy hereof on

Mammie Frye

IN PERSON.

C. H. TUMBLESON,
Sergt. City of Norfolk, Va.
By C. B. Lesner Deputy

COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting:

We command you that you summon Nettie L. 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
.....First.....Monday in.....February....., 1923....., to answer a bill
in chancery exhibited against ~~her et als~~ in our said Court by

J.W. Turner, L. H. Turner and Annie Stephenson, Complainants

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this.....13th.....day of.....January....., 1923..., and in
the.....147th.....year of the Commonwealth.

R. A. Edwards Clerk.
By E. Kay Wells
D. S.

Executed the within summon this 18th day of Jan. 1923, by serving
a true copy of the same on Nettie L. Carr, in person, within the
County of Isle of Wight, Va.

W.H. Chapman, Sheriff.

By W. H. Chapman D.S.

Turner et al

~~Virginia~~ Chancery No.

Carr 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 1st Feb. 1923 Rules.

Geo. H. Sewell, Jr. Clerk

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

J. W. TURNER, L. H. TURNER,
AND ANNIE STEPHENSON,

v.

M. S. TURNER, MATTIE S. CARR,
NETTIE L. CARR, GURLEY DEE
NELMS, MAMIE FRYE, and J. T.
NELMS.

TO HONORABLE B. D. WHITE, Judge of the said Court:

Humbly complaining sheweth unto your Honor, your complainants J. W. Turner, L. H. Turner and Annie Stephenson, that by her last will and testament Matilda Bracey devised to A. J. Turner for his life and at his death to his lawful heirs at her death, that certain real estate in Isle of Wight County, Virginia, described as follows:

Bounded on the North by the A. J. Turner tract; on the East by the lands of Peter Bradshaw; on the South by M. L. Thorne and L. L. Thorne, and on the West by the Matthew Turner tract now owned by Jesse Whitley, containing by estimation one hundred and fifty-six (156) acres, more or less, the said land being situated in Hardy Magisterial District, and situated near the intersection of the Windsor Court House road and the road known as the Tar Road.

That the said Matilda Bracey departed this life in March, 1890, and that A. J. Turner departed this life on the 20th day of August, 1920.

The said A. J. Turner at his death left the following heirs at law, who were also living at the death of the said Matilda Bracey: Evie Nelms (who was Turner); Annie Stephenson (who was Turner);
S.
Mattie/Carr (who was Turner); M. S. Turner; J. W. Turner;

Nettie L. Carr (who was Turner); and L. H. Turner.

That Evie Nelms (who was Turner), departed this life on the 28th day of February, 1904, leaving her husband, J. T. Nelms, and the following children as her heirs at law: Gurley Lee Nelms and Mamie Frye.

That the said surviving children, Annie Stephenson, J. W. Turner, Mattie S. Carr, M. S. Turner, Nettie L. Carr and L. H. Turner, each own and are entitled to one-seventh ($1/7$) interest each in the said land, and the said Gurley Lee Nelms and Mamie Frye are jointly entitled to a one-seventh ($1/7$) interest, subject to a curtesy interest therein of their father, J. T. Nelms.

The said real estate is, as your complainants verily believe, susceptible of partition among the parties entitled thereto; but should the property not be so divisible in kind, complainants believe, and here state, that the interest of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the whole of the same, or by an allotment of part and sale of the residue.

IN CONSIDERATION WHEREOF, and forasmuch as your complainants are without remedy save in a court of equity, they pray that the said M. S. TURNER, MATTIE S. CARR, NETTIE L. CARR, GURLEY LEE NELMS, MAMIE FRYE and J. T. NELMS, be made parties defendants to this bill and required to answer the same, but not under oath, answer under oath being hereby expressly waived; that proper process issue; that the said real estate be divided among the parties entitled thereto, or else if it cannot be so divided in any of the methods prescribed by law, that it may be sold and the proceeds divided among the parties according to their respective rights; that all proper orders and decrees may be made, accounts taken and inquiries directed, and that your complainants may have such

other, further, general and special relief as the nature of their case may require or to equity shall seem meet, and your complainants will ever pray.

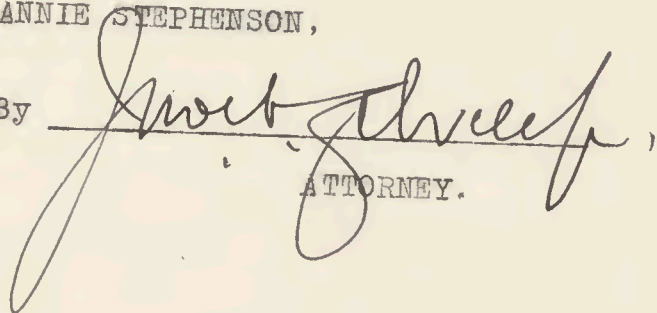
Notice is hereby given that the court will be asked to allow reasonable attorney's fees to counsel for the plaintiffs in this suit.

J. W. TURNER,

L. H. TURNER,

ANNIE STEPHENSON,

By


ATTORNEY.

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

J. W. TURNER ET ALS.,

v.

M. S. TURNER ET ALS.

BILL.

7/5/23 Filed.

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