

1814 - 104

SOUTHAMPTON COUNTY
CHANCERY PAPERS

ROLLINGS & al VS ROLLINGS & al / RAWLINGS
7/1814

other surnames: Scarborough,
Joiner, Rawlings, Rollins,
Scar brough

No 2 to 4

Rollings 7th

Rollings 7th Bill

April 1870. Bill

filed & Rules
Answer May Rule here Rule
May 1871 Decree nisi
Aug 1870 Decree nisi to return able

To September Court next
-J.

Dec 1873 Decree nisi to Jan 1874

Jan 1874 Polly Rollings &

Robt Rollings answer

filed -

To the worshipful Court of Southampton County in
sitting - Humbly complaining shew unto your worship
your oration Susan Rollings, widow and relict of Jesse Roll-
ings, and your orators and oratrices Benwell Rollings, George
Rollings, Samuel Rollings, John Rollings, Nancy Rollings
Peggy Rollings, infant children and heirs of the said Jesse
Rollings dec'd, by the said Susan Rollings their mother, their guardian
and next friend, that on the 18th day of May 1793, a
certain Benwell Rollings executed his bond to the said
Jesse Rollings for the sum of Seventy eight pounds, seven
shillings and nine pence, conditioned to be void on the pay-
ment of thirty nine pounds, three shillings and ten pence
half penny on or before the 18th day of May 1794, towards the
discharge of which bond a payment of nine pounds, ten shillings
was made on the 23^d day of January 1794, all which will
fully appear by the said bond hereto annexed and may be
taken and considered as a part of this bill -
your complainants beg leave to state to your worship
that the said Benwell Rollings, finding it impossible
to charge the said bond without great inconvenience and pre-
judice to his estate, proposed to the said Jesse Roll-
ings his son, to hold up the said bond and take in pay-
ment and satisfaction of it, at his the said Benwell
Rollings death, one moiety of a tract or parcel of land
situate in the County of Southampton and containing
One hundred and forty acres, which he, the said Benwell
Rollings promised by his last will & testament to
devise to him or his heirs. To this proposition the

Rollings absented, and shortly afterwards
his life intestate, whereupon letters of administration
on his estate were committed to the said Barwell
Rollings, by the court of Southampton county - Before however
he closed and completed the administration of the estate,
the said Barwell Rollings died, having first duly made
and published his last will and testament in writing,
by which he appointed his wife Polly Rollings and his son
Robert Rollings, executors and executor of the same, to the
last of whom probate thereof was granted by the court of South-
ampton county in due and sole form of law and both
of them your complainants pray may be made defen-
dants to this bill, together with a certain John Scarborough
Phale his wife, who was Phale Rollings, daughter of the said
Barwell Rollings dec'd and Polly Joiner infant daughter
of Samp and Sally Joiner, ~~who was Sally~~ now deceased,
who was Sally Rollings, daughter of the said Barwell Rollings dec'd.
In the above mentioned last will and testament, the said
Barwell Rollings not only recognizes the agreement before
stated and set forth, but makes it the subject of a spe-
cific devise in the following words: "Item 3. I give to the
heirs of my son Jesse Rollings dec'd, one half of my land
that I formerly held, being 140 acres more or less, for
a bond that the estate has against me, being agreeable
to his and my bargain, and if they shall rather have
the money for my executors to sell the part of land that
I left them to pay them, to be taken off adjoining

Parker Vicks dec'd, to them and their heirs for
will more fully appear by an attested copy of the said
will & testament hereto annexed and prayed to be considered
as a part of this bill. Your orator Susan Rollings
permits her to observe that on the death of the said
Barwell Rollings, she qualified as administratrix de bonis
non on the estate of her deceased husband Jesse Rollings, as
will satisfactorily appear to the court by a certificate of her
administration hereto annexed and also prayed to be taken &
considered as a part of this bill - She therefore knows and
here states to the court, that the money due on the before
mentioned bond, will not be required to pay the debts
of her intestate - and ~~under~~ these circumstances,
complainants have no hesitation in preferring to take
the land devised to them as aforesaid, in pay-
ment and satisfaction of the said bond according to the agree-
ment herein before mentioned - But so it is, may it
please your worships that at the title of your com-
plaints in and to the ~~vicinity~~ of the said parcel of land, contain-
ing 140 acres as aforesaid, is fully and completely vested, yet
the aforesaid Polly Rollings and Robert Rollings, well knowing
the same, are going on, in a manner, neither restrained
by shame or a sense of justice, to commit upon it
every species of devastation and waste - being determined
as they have in substance expressed themselves, ~~not~~
to deliver your complainants possession of the said land,
until they have reduced it to a state of desolation & impoverishment.

all writings and doings are contrary to Equity
and Conscience - In the premises being most properly & the parties in a
state of slavery, where matters of fraud and partition
are not cognizable, your complainants pray, that the
said ~~Rollings~~ Robert Rollings, John Scarborough and
Thos his wife and Polly Jinner & her guardian, may
be compelled ^{on their corporal oaths} to answer all & singular the allegations of this
bill as fully, perfectly, distinctly and unequivocally, as
the case and every of them was seen again repeated and they
respectively each & every of them ~~are~~ ^{being} particularly interrogated -
that your worship will immediately issue your writ
of Injunction restraining the defendants Polly Rollings & Robert
from the commission of further waste on the land
as mentioned to which your complainants are entitled -
that your worship will decree that the said land
be divided among your complainants - that is to
say - that one third part thereof may be allotted to your ma-
jesty Susan Rollings as her dower and the remaining two
thirds divided among your infant complainants - Or if
the Court should believe that the dividend of said land would
not exceed the value of one hundred dollars, that a sale
thereof may be decreed and the money arising therefrom be
distributed according to the out of apportion in such case made
& provided and that your worship may grant any other
general relief in the premises which may be meet and
applicable. May it please the Court to grant the common
writ of Subpoena commanding &c. of your complainants will ever &c.
Sister for Comt.

Rawlings
advs 3
Rawlings 3 Answer

Jan'y 17th 1874 ans^r filed

To the worshipful Court of Lenthampston in Chancery sitting
The answer of Robert Rawlings to the bill of complaint exhibited
~~against him~~ by Susan Rawlings widow of Debris now of
Depe Rawlings and and widow and relict of the said Depe
Rawlings and. and Benwell Rawlings Gregory Rawlings
Samuel Rawlings. John Rawlings, Mary Rawlings
and Peggy Rawlings infant children and heirs of the
said Depe Rawlings and. against himself, Polly
Rawlings, John Scarborough and Phoebe his wife
and Polly Lymer an infant daughter of Kemp and
Sally Lymer. This respondent now and at all times
saying and reserving to himself all and every benefit of
exemption to any errors or imperfections in said bill
contained for answer thereto or to so much thereof
as he is advised material and necessary for him to make
answer unto answering say, that he admits the devise
to the heirs of Depe Rawlings ^{of one half} of one hundred and
forty acres of land but at the same time is not dis-
posed to admit the right which the complainant
Susan ^{seems} to set up to cover in the same. your respondent
has ever been willing that the heirs of his deceased
brother Depe should enjoy the benefit of the aforesaid
devise, when and so far that the land spoken of
in the bill should be recommended but from the tender
years of the infants and their having no friend
or guardian to protect their interests your respondent
was left in uncertainty whether they would prefer
the money to the land or whether they would
make choice of the land and your respondents
have been prone to suggest a doubt whether the
mother of the infants can make that election

for them. your respondent denies that he has in
any manner whatever committed waste upon the
land in controversy. ^{for the purpose of the said land being ever again} He is perfectly willing (if the
court shall be of opinion that when the representation
of facts as made out by complainants, that they can
can legally do so, ~~that~~) to submit to any deed
which may give the possession of the land to the
heirs of the said Liza Rankins upon condition
that he shall be released from the payment of
the bond due from the estate of ~~the said~~ Samuel
Rankins to the estate of the said Liza
Rankins. This respondent denying all fraudulent
combination & prays the same be dismissed with
his costs in this behalf most unjustly expended
Thence &c.

Southampton County &c

Robert Rankins this day personally appeared
before me a justice of the peace for the said
county and made oath to the truth of the foregoing
answer given from under my hand this
day of Jan'y 1814

Henry Briggs J. P.

the death of his father Samuel Rankins in the
possession of his widow Polly Rankins, because
it was impossible to ascertain which part of the
entire tract of land belonged to the heirs of Liza
Rankins until a division was made, which
has never yet been done for the reasons above
stated.

Rankings

add

Rankings

Answer

To the worshipful Court of Southampton in Chancery sitting
The answer of Polly Rawlings to the Bill of Complaint exhibited
against herself and others by Susan Rawlings widow and
relict of Jesse Rawlings and, Bunnell Rawlings, Peggy
Rawlings Samuel Rawlings, John Rawlings Nancy
Rawlings and Peggy Rawlings infant children and heirs
of Jesse Rawlings and, by the said Susan Rawlings
their next friend - This Respondent now and at all
times saving and reserving to herself all and every benefit of
exception to all errors imperfections and defects in the
complainants bill contained, for answer thereto or to
so much thereof as she is advised is necessary and
material for her to make answer unto, answering
saith - That she has no claim to the land devised
to the heirs of Jesse Rawlings by her late husband Bunnell
Rawlings, neither will she deny such facts as appear from
the exhibits made by the complainants: but she positively
denies that she has wilfully committed any waste
upon the land, unless indeed she can be justly charged
with trespassing upon the lands of others, because she
has been compelled to cultivate an undivided
moiety of a tract of land for her support and sustenance
and in doing so might have cultivated a portion
which might have been preserved and allotted
to the infant complainants in case a division
had been made. Your respondent denying
all fraud combination or conspiracy to the same

disputed -

Southampton County Jct.

This Day Polly Rankins personally appeared
before me a justice of the peace for the said
County and made oath to the truth of the
foregoing Answer. Given under my hand
this 15th day of Jan'y 1814

Henry Briggs J.P.


Rollings Jr.

185

175

Deeres. miss

Rollings Jr.

For September cannot rept

Ex. Carr Robert Rollings
Polly Rollings mch
Joun Peter Calvert
depts of James J. Giff

Southampton August Term 1873

Lisane Rollings, widow and relict of Jesse Rollings dec'd.
Barnwell Rollings, Gregory Rollings, Samuel Rollings, John
Rollings, Nancy Rollings and Peggy Rollings, infant
children and heirs of said Jesse Rollings dec'd by said
Lisane Rollings their mother, guardian and next friend
Complainants
against

In Chancery

Polly Rollings and Robert Rollings Defendants
John Scarborough, Sheriff of the County of King George

Decree and ordered that unless the defendants appear here on
or before September Court next and answer the complainants bill the
same will be taken for confessed and a decree entered according to the
forfeiture of the bill.

Forayson

Teste J. P. R. Schellenger

Rollings &c

as
Rollings &c

Deere miss

To January cont 1844

Executed on Polly Rollings

in: Scarborough and Phoebe

his wife, Copy left for

Robt Rollings the within na

-mid Polly's father has no guardian

Wellason Deputy
for J Darsen Saff

Southampton December Court 1853

Susan Rollings, widow and relict of Isaac Rollings, deceased
Barwell Rollings, Gregory Rollings, Samuel Rollings, John
Rollings, Nancy Rollings and Peggy Rollings, infant
children and heirs of said Isaac Rollings (deceased) by said
Susan Rollings their mother guardian and next friends
against Complainants

Polly Rollings and Robert Rollings Defendants - In Chancery
John Scarborough & Phoebe his wife & Polly Jones by her guardian

Decree and orders that unless the Defendants appear here
on or before January Court next and answer the Complainants bill
the same will be taken for confessed and a decree entered according
to the prayer thereof -
Teste James Rochelle C. C.

Susan Rawlings
widow of Jesse -

Nancy
Burwell.

Peggy -
Gregory.

Samuel
John - heirs &c.

Polly Rawlings
widow of Burwell.

Phoebe Scarborough
wife of Jno Scarborough.

Robert Rawlings.

Polly Boyer daughter
of Sally & Camp Boyer -
Sally dead.

heirs &c. alive

Burwell Rawlings
Will

Burwell first
admitted on estate
of Jno. Scarborough
of the County of
De Kalb in 1850

I Burwell Rowling of the County of Southampton, knowing that it is appointed for all men once to die, think fit to make my last will (and Testament in the following manner to wit,

Item 1.st I lend to my well beloved wife Polley the balance of my land after Jesse Rowling her part during her natural life or widowhood, I lend the use of all my personal estate except one feather Bed & Furniture to my wife Polley during her natural life or widowhood.

Item 2. I give to my son Robert Rowling one feather Bed & Furniture, I also lend to my aforesaid son Robert Rowling one half of my land that I formerly owned before I made him a right to any, and if he dies without a lawful begotten heir the land I now lend him I give to my daughter Phoeby.

Item 3.^d I give to the heirs of my son Jesse Rowling deceased one half of my land that I formerly held being 140 Acres more or less for a bond that the estate has against me being agreeable to his & my bargain (and if they had rather have the money, for my Executors to sell the part of Land that I left them to pay them to be taken of aspming Park Vicks &c to them (and their heirs forever.

Item 4.th I give to my Grand Daughter Polly Joyner (and my daughter Phoebe all my personal estate of every kind after the death or marriage of my wife & if Polly Joyner dies without heir I give her part of my estate to my daughter Phoeby to her & her heirs forever.

Item 5.th I give Kemp Joyner the Bed & Furniture that I lend him to him this heirs forever.

Item 6.th I appoint my wife Polley Rowling & Robert Rowling my Executors & Executrices to this my

last-will & Testament.

GIVEN under my hand & seal this first-
day of July 1805.

Bunnell ^{his} + Rollins ^{seal}
marks

Witness
Patrick Pond }
Laurie Browne }
Polley Pond }

At a Court-hold for the County of Southampton
April 21st 1806.

This last-will & Testament of Bunnell Rollins
decd was presented in Court by Robert Rawlings
one of the Executors therein named (and confirmed
for the other executors) proved by the oaths of
Patrick Pond and Laurie Browne two of the
witnesses thereto (and ordered to be recorded,
(and on the motion of the said Exec who
made oath according to law, probat- is granted
him in due form, On giving Security,
whereupon &c.

Just Sam. Kells & Co.

Attest Teste
Sam. Kells & Co.

January 23rd 1794 Then Rec^d Vinc^{mon}
Ten Shillings in part of the within note -
Lesse Rollings

Bond
Barrett Rollins

Know all men by these presents that I Burwell
Rollins of the County Southampton & State of
Virginia am held & firmly bound to Jesse Rollins
of the County & State aforesaid in the just & full
sum of Seventy ~~eight~~ ^{eight} Pounds seven shillings &
nine pence current money of Virginia to be
paid to the said Jesse Rollins his Heirs or assigns
as Witness my hand & Seal this eighteenth
May. 179 three - - -

The Condition of the above obligation is such
that if the above bound Burwell Rollins. his
Heirs & assigns do well & truly pay or cause to
be paid to the said Jesse Rollins his Heirs or
Assigns the just & full sum of thirty nine
pounds three shillings & ten pence half penny
on or before the Eighteenth day May 179 four -
that then the above obligation to be void or else
to remain in full force & virtue. as Witness my
hand & Seal ~~this~~ day & date as above -

Test J. P. Bennett. ^{his} Burwell + Rollins Seal
Lucy ^{her} + Bennett
mark