1836-035 SOUTHAMPTON COUNTY CHANCERY PAPERS

Rochelle +al vs Rochelle
Rochelle +al vs Rochelle +al

1/1836

Plat

other SURNames: Thomas, Gurley, Darden

Copy

Clement Rockliffe &al

vs. Bill &c.

James Rockliffe.

Baker.

1832 June. Decree as filed

" July. John D Hart added to the Com.

" Aug. Report returned and final decree &c

To the worshipful court of Southampton County, in chancery sitting humbly complaining shew unto your worships your oratrix and oratrixes Clements Rochelle, Elizabeth Thomas, Gurge G. Gurley, Lucy his wife & Benjamin, Willis & [illegible] & Mary Rochelle infant children of John Rochelle jun. dec. suing by the said Clements Rochelle their next friend, that some years ago, John Rochelle sen. of the county of Southampton died intestate, & entitled to a tract of land situate in the said county supposed to contain four hundred & forty acres, which is liable to division & partition among your oratrix & oratrixes, and a certain James Rochelle as the heir at law of the said John Rochelle sen. deceased, in the following manner that is to say, to your compts. Clements Rochelle & Elizabeth Thomas, each, one fourth part, to the compt. Lucy, wife of the said Gurge G. Gurley & the infant compts as the children & heirs of John Rochelle jun. dec. one fourth part share & share alike, & to the said James Rochelle the remaining fourth part: But so it is the said James Rochelle has hitherto refused to consent to a division of the said land, otherwise than under a decree of some competent court - In tender consideration whereof &c To the end therefore that the said James Rochelle may be made deft. hereto & answer the premises & that as fully as if the same were here again repeated & interrogated - your oratrix & oratrixes pray that your worships will decree a partition of the said land &c and that your will make such other or further order or decree as may seem consistent with equity &c may it please the court &c

The answer of James Rochelle to the bill of complaint or libelle against him in this court by Clement Rochelle & others complainants - This respondent saving and reserving to himself all right of exception to the errors contained in the said bill for answer thereto, saith he admits the facts charged & set forth by the compl.ts & consents that the court may make such decree in the premises as required by the compl.ts, & having answered, prays to be hence dismissed with his costs &c

Copies

Clement Rochelle &c

v } Bill &c.

Isaac Rochelle &c

Baker.

1832 June. decree as filed &c

" July John D Hart acting Master

" Sept. Com. reported and decree as filed &c

" Sept. Report returned & made final &c

1834 Sept. Order for Eleaz. Rochelle to receive Benj. Rochelle's propo: E B Leland paid $270.86 amt of his bond & Int. into Court &c

Hampton Co. Co.

To the worshipful court of Southampton county in chancery sitting humbly shew unto your worships your orator & oratrixes Clement Rochelle, Elizabeth Thomas, George G. Gurley & Lucy his wife & Benjamin Willis L. & Mary Rochelle infant children & heirs of John Rochelle jun? dec? suing by the said Clement Rochelle their next friend, that some time in the year — Polly Rochelle of said county departed this life intestate, having under the personal property, the following slaves, that is to say, Lucy & her infant child, Dick, Peter, Amey, Fanny, Judy, Nancy, Jacob, Cynthia, Brutus, Rochelle, Binum and Sam, all of which have come to the hands of James Rochelle as admr? &c. of the said Polly Rochelle, who still holds possession of them as it is not necessary they should be retained for the payment of debts: your orator & oratrixes charge that the said Polly Rochelle died without issue leaving the said Clement Rochelle, Elizabeth Thomas, James Rochelle, her brothers & sisters, & the said Lucy Gurly & the infant complts children of John Rochelle jun? dec? who was also a brother of the said Polly Rochelle, entitled to her estate as her heirs at law — In Tender consideration whereof &c. To the end therefore that the said James Rochelle in his own right & as admr as aforesd may be made deft to this bill & may upon oath answer the premises & that as fully as if the same were here again repeated and interrogated — your orator & oratrixes pray that your worships will decree a division of the said slaves as herein before suggested & that you will make such other decree in the premises as may seem consistent with equity &c. may it please &c.

The answer of James Rochelle in his own right &
as admr. of Polly Rochelle dec? to the bill of compt.
exhibited against him in this court by Clements
Rochelle & others complainants. This respondent having
& reserving &c for answer saith that so far as he
is informed the charges contained in the said
bill are substantially correct, & he is willing the
court should make a decree for the division of the
slaves in the bill mentioned as prayed by the
compts. - and having answered &c this respondent
prays to be hence dismissed with his costs &c

Rochelle

Deere.

Rochelle

Clements Rochelle, Elizabeth Thomas, George G. Gurley & Lucy his wife & Benjamin Rochelle, Willis L. Rochelle & Mary Rochelle infants ~~defendants~~ suing by Clements Rochelle their next friend

vs. Chy. H

James Rochelle

This cause came on this day to be heard on the bill & answer by consent of the parties & was argued by counsel: on consideration whereof the Court doth adjudge order & decree that James Maget Pitt Thomas & Alexander Myrick or any two of them assisted by the county surveyor if need be, do divide the tract of land in the proceedings mentioned into four equal parts & allot & assign to the compts Clements Rochelle & Elizabeth Thomas each one of the said parts; to the defendant James Rochelle one of the said parts, & to the compts Lucy Gurley, Benjamin Rochelle, Willis L. Rochelle & Mary Rochelle the remaining one fourth part share & share alike, & make report &c.

Rochelle 4

vs 3 Leo: decree

Rochelle

Southampton June Court 1833

Clements Rochelle, Elizabeth Thomas, George G Gurley & Lucy his wife, Benjamin, Willis L and Mary Rochelle infant children of John Rochelle by the said Clements Rochelle their next friend Pltffs

against

James Rochelle Deft

In Chancery

This cause came on this day to be heard on the bill & answer by consent of the parties and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that James Mayet, Pitt Thomas and Alexander Myricks or any two of them after sworn by the County Surveyor if needful, do divide the tract of land in the proceedings mentioned into four equal parts and allot and assign to the Complainants Clements Rochelle and Elizabeth Thomas each one of the said parts to the defendant James Rochelle one of the said parts and to the Complainants Lucy Gurley, Benjamin Rochelle Willis L Rochelle and Mary Rochelle the remaining one fourth part share and share alike, and make report thereof to Court in order to a final decree.

A Copy Test

James Rochelle clk

Rochelle

v Emu Dunn.

Rochelle.

Clements Rochelle, Elizabeth Thomas, George G. Gurley & Lucy his wife, & Benjamin Rochelle, Willis L. Rochelle & Mary Rochelle infants suing by Clements Rochelle their next friend-

vs.

James Rochelle in his own right & as admr. of Polly Rochelle dec.d

This cause came on this day to be heard on the Bill & answer by consent of parties & was argued by counsel: On consideration whereof the court doth adjudge order & decree that James Maget, Pitt Thomas & Alexander Myrick or any two of them do divide the slaves in the proceedings mentioned that is to say, Lucy & her infant child Dick, Peter, Amey, Fanny, Aggy, Nanny, Jacob, Synthia, Brutus, Tab, Rachael, Benum & Sam, into four equal parts, & allot & assign to the compl.ts Clements Rochelle & Elizabeth Thomas each, one of the said parts: to the defendant James Rochelle one of the said parts, and to the compl.t George G. Gurley in right of his wife, & to the guardian of the infant compl.ts the remaining one fourth part, share & share alike; ~~& make report &c~~ and make report &c and the said comm.rs or such of them as may act, if required by the defd.t, are directed to take refunding bonds with good security, according to the provisions of the act of assembly in such case made & provided, from the said Clements Rochelle, Eliz.a Thomas & the said children & heirs of Jno. Rochelle junr. dec.d before the delivery of their respective shares of the said slaves;

Rochelle Gat

n ℥ lev: dieric

Rochelle

Southampton June Court 1832

Clements Rochelle, Elizabeth Thomas, George G Gurley & Lucy his wife & Benjamin, Willis L & Mary Rochelle infants sues by Clements Rochelle their next friend

Pltffs

vs In Chancery

against

James Rochelle in his own right and as Admr of Polly Rochelle decd

Deft

This cause came on this day to be heard on the bill & answer by consent of parties and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that James Maget Pitt Thomas and Alexander Mynick or any two of them do divide the slaves in the proceedings mentioned that is to say, Lucy and her infant child Dick, Peter, Amy, Fanny, Aggy, Nancy, Jacob, Synthia, Brutus Jabb, Rachael, Binum, & Sam into four equal parts, and allot & assign to the Complainants Clements Rochelle & Elizabeth Thomas each one of the said parts, to the defendant James Rochelle one of the said parts and to the Complainants George G Gurley in right of his wife and to the Guardian of the infant Complainants the remaining one fourth part, share and share alike, and make report thereof to this Court. And the said Commissioners or such of them as may act, if required by the defts are directed to take refunding bond with good security according to the provisions of the act of Assembly in such case made and provided from the said Clements Rochelle, Elizabeth Thomas and the said children and heirs of John Rochelle decd before the delivery of their respective shares of the said slaves -

A Copy Teste James Rochelle clk

July 16th 1832.

This cause came on this day to be again heard on the papers formerly read & the report of the Commissioners made pursuant to the decree heretofore entered in this cause, and the Court confirming the said report, do thereupon adjudge, order, and decree that James Maget Pitt Thomas and John D Hart or any two of them after advertising the time and place of sale at least fifteen days at two or more public places, sell at public auction on a credit of nine months the slaves Nancy, Jabb, Brutus and Rachel and divide the proceeds of sale, after deducting the

expenses thereof which are to be paid in cash, into four parts, and for each of the said parts take a bond with good security, making one of the said bonds payable to Geo. G Gurley & one of the said bonds payable to the Guardian of each of the infant Complainants or to some person or persons for their benefit and make report thereof to Court in order to a final decree.-

A Copy Teste

James Rochelle clk

Rochelle &c

vs } Amt decree

Rochelle

Filed July 1837

Rochelle &c. v Rochelle - This cause came on this day to be again heard on the papers formerly read & the report of the Comrs. made pursuant to the decree heretofore entered in this cause, & the court confirming the said report doth adjudge order & decree that James Magee, Peter Thomas & John D. Hunt or any two of them, after advertising the time & place of sale at least fifteen days at two or more public places, sell at public auction the slaves Nancy, Sally, Bowles, Rachael in the said report mentioned upon a credit of nine months & divide the proceeds of sale, after deducting the expenses thereof which are to be paid in cash, into four parts, & for each of the said parts take a bond with good security, making one of the said bonds payable to Fleming Lindsay one of the said bonds payable to the guardian of each of the infant complts & to some person or persons for them & make report &

Rochelle & C

vs } Com's Report

Rochelle

Inventory of the Negroes belonging to the Estate of Polly Rochelle dec.d

| | |
|---|---|
| Lucy and Child Tom | 75.00 |
| Tabb | 212.00 |
| Dick | 75.00 |
| Peter | 350.00 |
| Jacob | 275.00 |
| Bynum | 225.00 |
| Sam | 160.00 |
| Brutus | 150.00 |
| Girl Amy | 275.00 |
| Sammy | 275.00 |
| Rachelle | 225.00 |
| Aggy | 200.00 |
| Cynthia | 225.00 |
| Nancy | 125.00 |
| | 4) 2847.00 |
| each Proportion | 711.75 |

Lot No. 1. drawn by Clement Rochelle.

| | |
|---|---|
| Cynthia | 225 |
| Peter | 350 |
| Lucy & child | 75 |
| Dick | 75 |
| | 725 |
| Pay to Lot No. 1. $11.75 and Lot No. 4. $1.50 | 13.25 |
| his proportion | $ 711.75 |

Lot No. 2 drawn by Elizabeth Thomas -

| | |
|---|---|
| Amy | 275.00 |
| Aggy | 200.00 |
| Bynum | 225.00 |
| | 700.00 |
| to receive from Lot No 1 | 11.75 |
| her proportion | $ 711.75 |

Lot No. 3 Drawn by the heirs of John Rochelle

| | |
|---|---|
| Nancy | 125.00 |
| Tabb | 212.00 |
| Brutus | 150.00 |
| Rachel | 225.00 |
| | 712.00 |
| to pay to Lot No. 4 | .25 |
| their proportion | $ 711.75 |

Lot No. 4 Drawn by James Rochelle –

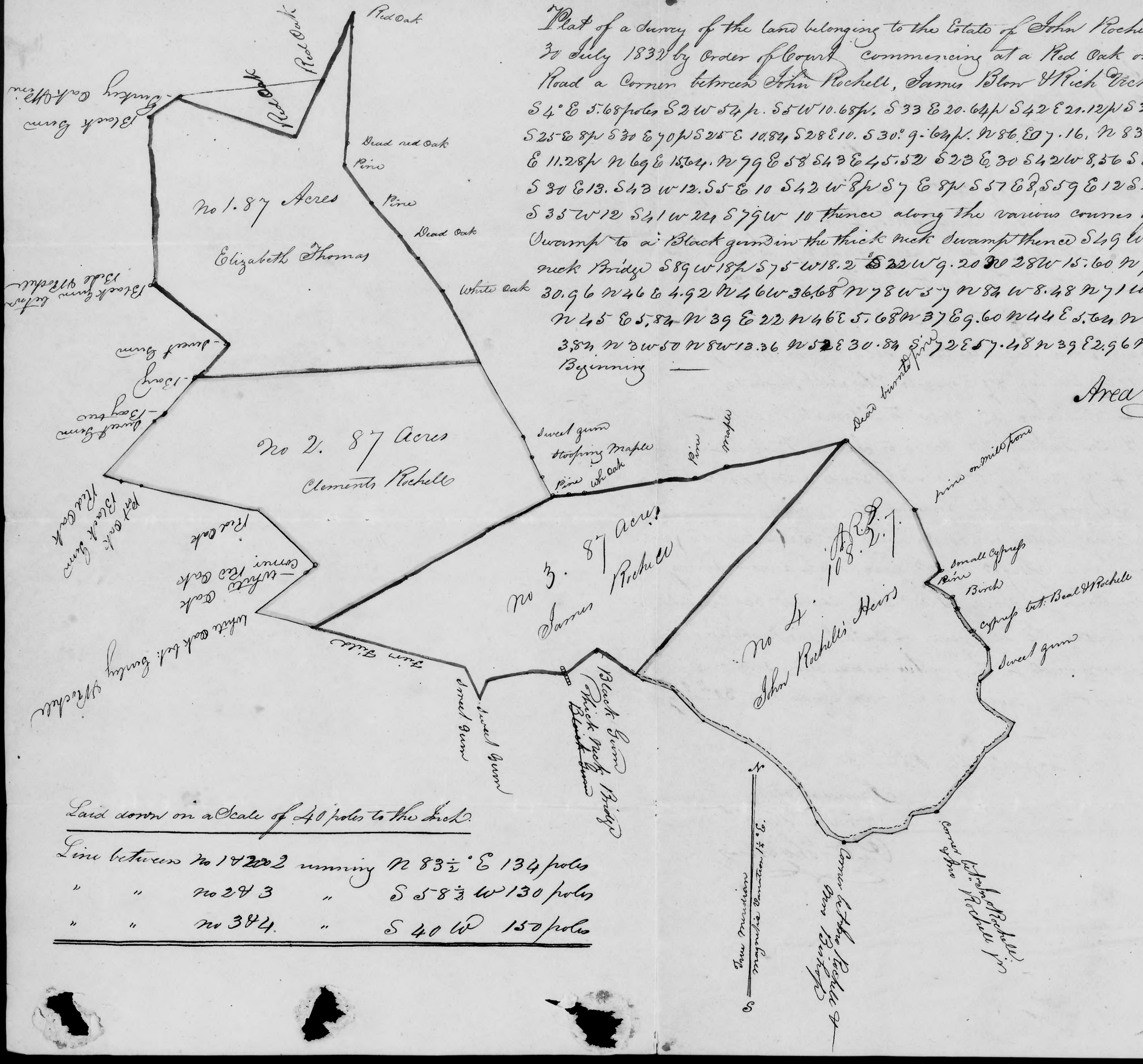
| | |
|---|---|
| Jacob | 275.00 |
| Fanny | 275.00 |
| Sam | 160.00 |
| | 710.00 |
| to recive from Lot No. 1 | 1.50 |
| and from Lot No. 4 | .25 |
| his proportion | 711.75 |

Pursuant to a Decree of the County Court of Southampton bearing date June Term 1832. We have divided the Slaves belonging to the estate of Polly Rochelle dec'd. and allotted them as above Stated to the heirs – And we further Make that the Lot drawn by the heirs of John Rochelle cannot be equally divided among the heirs without Sale – Given under our hands this 11th day of July 1832

Jas. Mayo
Pete Thomas
John D. Hart

Plat of a survey of the land belonging to the Estate of John Rochell Sr. Made the 30 July 1832 by Order of Court commencing at a Red Oak on Murfreesborough Road a Corner between John Rochell, James Blow & Rich Peck and running S 4° E 5.68 poles S 2 W 54 p. S 5 W 10.68 p. S 33 E 20.64 p S 42 E 21.12 p S 36 E 13.04 p S 38 E. 18.52 S 25 E 8 p S 30 E 70 p S 25 E 10.84 S 28 E 10. S 30° E. 64 p. N 86 E 7.16. N 83 E 5.36 N 77 E. 40 E 11.28 p N 69 E 15.64. N 79 E 58 S 43 E 45.52 S 23 E 30 S 42 W 8.56 S 60 E 13.16 S 24 E 6 S 30 E 13. S 43 W 12.5 E 10 S 42 W 8 p S 7 E 8 p S 57 E 8.5 S 9 E 12 S 28 W 8 S 54 W 13.24 S 35 W 12 S 41 W 24 S 79 W 10 thence along the various courses of the thick muck Swamp to a Black gum in the thick muck swamp thence S 49 W 18 poles to the thick muck Bridge S 89 W 18 p S 75 W 18.2 S 22 W 9.20 N 28 W 15.60 N 74 W 103.60 N 57 E 30.96 N 46 E 4.92 N 46 W 36.68 N 78 W 5.7 N 84 W 8.48 N 71 W 9.76 N 41. E 35.24 N 45 E 5.84 N 39 E 22 N 46 E 5.68 N 37 E 9.60 N 44 E 5.64 N 52. W 45.24 N 12 E 3.84 N 3 W 50 N 8 W 13.36 N 52 E 30.84 S 72 E 57.48 N 39 E 2.96 N. 28 E 28 N 21 E 36 to Beginning —

A. R. P.
Area 36 2. 7



In obedience to the decree hereto annexed, made at Southampton June Court for 1832, We their Commis=sioners, with the assistance of the County Surveyor have proceeded to divide the Land's belonging to the Estate of John Rochelle Junr Dec^d, Containing by actual Survey — three hundred and sixty nine acres, 2 roods and 7 poles, into four Equal parts (as respects quality) as will appear by reference to the within plott, and have allotted and assigned one share ~~to~~ to Each of the four principal heirs of said John Rochelle Junr Dec^d, (To Witt.) Lot N^o 1 containing 87 acres to Elizabeth Thomas,

N^o 2 Containing 87 acres to Clements Rochelle

N^o 3 Containing 87 acres to James Rochelle

and Lot N^o 4 Containing 108 acres 2 roods and 7 poles to the heirs of John Rochelle Junr Dec^d

The Commissioners are of Opinion that ~~the~~ (as respects) the Lot of Land assigned to and directed to be divided among the heirs of John Rochelle Junr dec^d cannot be Equitably divided between the said heirs of said John Rochelle Junr which we recommend to the further Consideration and order of the Court, Given under our hands this 30th July in the year 1832.

Respectfully Submitted

James Mage[illegible]
John D. Hart
Pete Thomas

Comrs Report on sale
of the slaves of the Heirs
of John Rochelle dec.d

1832 Septem: ret.d & f.d

Agreeable to the annexed decree of the Court of Southampton County for July – 1832 the undersigned two of the Commissioners therein named did this day sell at public sale before the Sheriffs office in Jerusalem on a Credit of nine months, the following slaves belonging to the heirs of John Rochells Dec'd. (to wit)

| | | | |
|---|---|---|---|
| Negro woman Jabb | Bot by | Jas. Rochells for | $257.57 |
| " Girl Rachell | by | Edm'd B Bland | 257.00 |
| " boy Brutus | by | Nat'l Rawlen | 157.25 |
| " Girl Nancy | by | Ditto Do | 157.00 |
| | | aggregate amount | $ 813.25 |
| Deduct 5 pr. Ct. Com'n | | | 40.66 |
| Amt due the heirs | | | $ 772.59 |

For which they obtained the following notes (to wit)

one note against James Rochelle and James D Mapenburg for the sum of one hundred and ninety three dollars and 15 cents made payable to George G. Gurley one of the heirs of said Dec'd it being equal to his proportion of said amount $ 193.15

one note agn't said James Rochelle and James D. Mapenburg for the sum of sixty one dollars and 35 cents made payable to James Magett and Pitt Thomas Com'rs $ 61.35

one note agt E.B. Bland and Do J Bland for the sum of Two Hundred and fifty one dollars made payable to said Jas Magett and Pitt Thomas Com'rs $257.00

one note agt N L & James Thomas N. A. Urquhart & John Harris for the sum of Two Hundred and sixty seven dollars and 75 cents payable to said James Magett and Pitt Thomas Com'rs $ 267.75

Making the Collective sum of $ 772.59

In the absence of a Guar[n] or Guard to whom to make payable the amt[s] due the orphans of said John Rochelle dec[d] the Commissioners have thought it advisable to make the notes payable to themselves as Commissioners of the Court and render and deliver them to the Court along with this report for their further consideration and direction, from which the Commissioners ask indemnity against all further responsibility on their part, given under our hands and seals this 20[th] day of Aug[st] A.D. 1832

Respectfully submitted

James M[c]Gee Com[r] (Seal)
Pete Thomas (Seal)

Know all men by these presents that we Geo. G. Gurley & James Rochelle are held and firmly bound unto James Rochelle admr of Polly Rochelle dec[d] Chairman of the County Court of Hampton in the sum of Three Hundred and Eighty six dollars and 37 cents Currant money to be paid to the said James Rochelle admr as afores[d] or his executors Exrs or assigns, to which payment well and truly to be made We bind ourselves our heirs Ex[rs] and admr[s] jointly and severally by these presents, Sealed with our seals and dated this 17[th] day of Sept[r] A.D. 1832

The condition of the above obligation is such that in case any debt or debts truly owing by Polly Rochelle Dec[d] shall be hereafter sued for and recovered or otherwise made appear if then and in all cases the above bound George G. Gurley shall refund and pay his ratable part of each all and every such debt or debts as often and as soon as any may appear out of the part or share of the within named slaves or personal estate of said dec[d] allotted and delivered to him then the above obligation to be void otherwise to remain in full force and virtue

Witness

Geo. G. Gurley (Seal)
James Rochelle (Seal)
(Seal)

Messrs R. L. & James Thomas.

Please pay to Mr Reddick Durden the sum of One hundred and twenty dollars and Seventy cents with Interest from the 20th of May 1833. and you will upon producing this order receipted, be entitled to a Credit upon your bond executed to certain Commissioners appointed to sell the negroes of Polly Rochelle dec'd. and filed in Southampton County Court.

L. R. Edwards Clk
S'ampton Court

Oct. 29th 1835.

~~Decem~~ 29th 1835 Bond in ~~full~~ ~~of~~

December 23th 1855 — Received in part of the within in order from Reddick Dardon Dallas ——————

January the 18 1856 Received in part of the within in order fifty Dollars

Messrs R. L. & James Thomas

The Court of Southampton County have made an order that the Clerk deliver to Miller Rochelle his proportion of the bonds to him for the sales of the negroes of Polly Rochelle dec'd as you bound with R. & Archibald & John Harris your Securities is one of the bonds filed by the Commissioners and amounts to more than his proportion of the sales. it cannot be delivered him but if you will pay Mr Miller Rochelle the sum of One hundred and forty seven dollars and five cents it will entitle him to a credit on your bond for that amount

Yrs &c
L. C. Edwards DC

October 22 1834 Recd Forty Seven dollars and five cents in part of the within in

Willis Rochelle

December 10th 1834 Recd

30 Thirty dollars in part of the within in

James Gurley

1834 Oct 20. Received of James Rochelle Clerk of Southampton
the sum of Seventy two dollars & ninety six cents in Case also an Order
on D.S. of James Thomas for the Sum of $147.05 cts - it being the
proportion to which I am entitled of the sale of the slaves of Polly Rochelle
dec'd

Willis Rochelle

Witness
Chs Mayo

267.75
147.05
120.70

Received this 15th day of Septem: 1834 of James Rochelle Clerk of the County Court of Southampton the Sum Two hundred and Seven Dollars ninety cents being the proportion to which Benjamin Rochelle is entitled, (including principle & interest) of the sales of the Slaves belonging to Polly Rochelles Est:

Clements Rochelle

$62.96

E. & B. Claus bons due 20th May 1833 ——— $251.00
Int. 1 ½ 15. Sept: 1834 — 19.86
270.86

Paid Wm. Rochelle ½ 207.90
Benja. Rochelle pro: ½
This amt. in the hand of the Clerk. $62.96

Augt. 18th 1834

The County Court of Southampton, will please
make an Order, authorising Clements Rochelle Esqr. to
receive the Amount, I am intitled to, by virtue of a de-
cree of said Court, for the sale of the negroes that belonged
to the Estate of Polly Rochelle Decd, and was
drawn by the heirs of John Rochelle Decd for a divi-
sion amongst themselves as heirs In so doing will oblige
yr. humble servant
Benj. Rochelle

Know all men by these presents that we Reddick Dardan & Randolph Edwards are held and firmly bound unto Martha Rochelle Executrix of James Rochelle who was admr of Polly Rochelle in the sum of Three hundred and Eighty six dollars and thirty Cents Current money to be paid to the said Martha Rochelle Executrix of James Rochelle who was admr aforesaid or assigns to which payment well and truly to be made we bind ourselves our heirs Exers and administrators jointly and severally by these presents. Sealed with our seals and dated this 19th day of October A.D 1835

The Condition of this above obligation is such that in case any debt or debts truly owing by Polly Rochelle dec'd shall be hereafter sued for and recovered or otherwise made appear if this and in all cases the above bound Reddick Dardan shall refund and pay his ratable part of each all and every such debt or debts as often and as soon as any may appear out of his part or share of the within named slaves estate of said dec'd allotted and delivered to him this the above obligation to be void otherwise to remain in full force and Virtue

Reddick Dardan (Seal)

Randolph Edwards (Seal)

Attest

James D. Bryant

Recvd October 19th 1835 of the Clerk of Southampton County Court a note or bond executed by James Rochelle & James D Musgenburg for Sixty one dollars & thirty five cents dated May 20th 1833. also an order on R L & James Thomas for the Sum of One hundred and twenty dollars & Seventy Cents with Interest from the 20th day of May 1833 which is in full of my proportion and right of my wife Mary formerly Mary Rochelle of the sale of the slaves of Polly Rochelle dec'd made under a decree of the Court.

Reddick Dardan

Test

James D. Bryant

| | |
|---|---|
| | 267.75 |
| | 160.650 |
| 4/5 | 535.50 |
| | 143.85 |
| | 22.85 |
| | 267.75 |
| | 290.60 |
| | 147.05 |
| | 143.55 |

Bell answer and Decree to divide a Tract of Land containing 440 acres of land belonging to the estate of John Rochelle Senr. decd. between James Rochelle, Clements Rochelle Elizabeth Thomas and the heirs of John Rochelle jr. decd. (to wit, George G. Gurley & Lucy his wife, Benjamin Rochelle, Willis L. Rochelle and Mary Rochelle the last three are infants and they with Gurley & wife will be entitled to one share to be subdivided between them

A like bill answer & Decree to divide the Slaves whereof Polly Rochelle died seized and possessed between the same parties & in the same proportion &c

James Rochelle admr. of Polly Rochelle
about 11 or 12 slaves

Nancy, Lucy, Dick, Peter, Amey, Fanny,
Aggy, Sammy, Jacob, Synthia, Brutus,
child of Lucy, ~~Fabby~~ Jacob, Rachael, Benum
& Sam —

D Rochelle —