

L 837-005

SOUTHAMPTON COUNTY
CHANCERY PAPERS

LAND and Wife et al VS. ROCHELLE'S COMMITTEE

5/1837

19.

Land Wife & ad

" } Papers.

Rochelles Comtee

1836 Aug. Sp^a Coⁿ? Will filed & C.

" Nov. Ans^r G.R. & C.

1837 Mar. Set for hearing & C.

" Apl. Dorce & C.

Clk - \$5.44

Shff - 51

Law fee - 16.66

Exp - 75

\$ 23 36

To the Honorable Richard H. Baker, Judge of the Circuit
Superior Court of Law and Chancery for the County of
Southampton:

Humbly complaining shew unto your Honor,
Your Compts, Nathaniel D. Sand and Mary H. his wife
late Mary H. Rockelle, Robert Rockelle, and Stephen Murdaugh
admrs. of Nathl. Rockelle decd. That said Rockelle late
of the County of Southampton, departed this life in the
year 1827, ~~testate~~, and possessed of a very considerable
estate - that his ^{deceased and} heirs, were his four children, your Compts,
Mary H. & Robert, Nathaniel who has since departed this
life and admr. on his estate has been granted to the
said Stephen Murdaugh, and William L. Rockelle
That ^{letter of} ~~admrs. of the said decd. estate~~ ^{was} ~~was~~ ^{duly} ~~granted~~
to the said William L. Rockelle, ^{duly qualified as admr.} ~~who undertook the~~
^{of the said decd. wife} ~~same~~, ^{and} ~~duly~~ gave bond &c. as will appear by attested
copies of the ^{will &} Order of the County Court of Southampton,
and of his said ^{executorial} ~~admrs.~~ bond herewith exhibited as part
of this Bill: Your Compts state, that previously to the death
of the said decd. Rockelle, the said William L. Rockelle
had lived with his said Father, superintended his plan-
tation & slaves, on an agreement to share the profits in

certain proportions agreed on between them; that in attempting to settle his accounts as admr. it became a subject of dispute between the said William and the heirs of the said Levi, from for the said Wm was chargeable for the proceeds of the crops so made as pastures, & by him rec^d. and it was agreed on all hands by and between the heirs & the said admr. to submit the questions thus arising & in controversy to the arbitraments of M^{rs}. Parker, James Bezant, W^m. B. Goodayne and L. R. Edwards, who after hearing the parties, and witnesses, and especially the testimony of one Hutchings made up and signed their award in writing, which is hereto annexed and prayed to be taken as a part of this Bill; that by their award, the said admr. was to be debited with the clear profits of the farm of his father for the years 1824, 1825, 1826, & 1827, and to be credited for one fourth thereof for the year 1824, and one third of the same for the years '25, '26, & '27. Your Compts allege that the said William L. Rochelle departed this life in the year 1835, and, during the pendency of a contest as to the validity of a paper writing purporting to be his will, admⁿ of his estate has been by order of the County Court of Southampton, ^{Benjamin Devaney} ~~for admⁿ~~ committed to ~~John B. Devaney~~ Sheriff

of the said County for admⁿ. That before his death, the said William L. Rochelle, in obedience to an order of the County Court of Southampton submitted his vouchers & proofs of admⁿ to a Comm^r. of the said County Court, who audited, stated and reported the same to the said Court, an attested copy thereof is herewith exhibited as a part of this Bill, &c. That the order of settlement being ex parte, there was no mode of compelling payment of the balance due thereon but by exhibiting to your honour this Bill - That the said act is stated, in regard to the disputed items, in conformity with the award aforesaid, to which the said William could take no other exception, than that a witness who was examined by the arbitrators, was not prepared to enlarge his testimony given before them - which your Compts are advised is not a sufficient objection to the said award - Your Compts are satisfied with the said act as stated and wish a decree that it be paid to them - But this cannot be compelled without the aid of this Court sitting in Equity. In tender consideration whereof and inasmuch as your Compts are remedied at Law, and only relievable in Equity, So the end that the said Benjamin Devaney Sheriff and Committee pendente lite, of W^m. L. Rochelle ad^m. may be made Defendant here

and compelled to answer the allegations herof. they pray the writ of
 Sp.^a directed L. J. that your Honor will compel him out of
 the estate of said Williams, to pay to them their proper proportions
 of the balance due from him as adm^r. of the said said Rochelle
 ad^r on such conditions as are required by law, and grant them
 such other relief general and special as equity dictates in
 the premises, & they will ever pray &c.

Mason p. q.

Nath^l. D. Sand duff

Robt. Rochelle

Steven Murdaugh ad^r.

Nath^l. Rochelle ad^r.

James & wife ad^r

" 3 Bile

Rochelle ad^r.

James

1836 July 18th

(2270 words)

Benjamin Devaney Thff^r.
at } Answer.
Nat. & Land & others.
Exhibit (A) filed.

Filed Nov 2/1836.

Southampton
C. S. C. L. & Co.

Southampton County Lo wit.

Southampton County To wit:
This day Benjamin Devaney who hath signed the foregoing answer, appeared before the subscriber a Justice of the peace in and for the county aforesaid, who made oath that all the matters and things contained in the said answer are just and true so far as they depend upon his own knowledge - and so far as they depend upon the knowledge and information of others he believes them to be true.

knowledge and information of others he believes him to be
Given under my hand and seal this 2^d day
of November a.d. 1820.

N. Ch. Shuck

That D Lauce & Mary H his wife late Mary H
Rochele, Robt Rochele, Stephen Murdough
admn of estate Rochele deced Complainants
against Berya Devaney Committee of the estate
of Mrs Rochele deced who was Executor of
Leve Rochele deced. This cause came on
this day to be heard on the bill answer & exhibits
filed & was argued by Counsel on consideration
whereof, the Court doth say judge order & decree
that the defendant out of the assets of the said
Mrs Rochele deced in his hands to be administered
pay unto the Complainant That D Lauce the
sum of ~~Eighty eight~~ Dollars & nine cents with interest
from the first day of July 1831 til paid: To the
complainant Stephen Murdough admn of
estate Rochele deced the sum of one hun-
dred & thirty four Dollars & ninety ~~one~~ cents
with interest on one hundred & six Dol-
lars & twenty eight ~~and~~ $3\frac{1}{4}$ cents per cent
thereof from the first day of July 1831 til paid
To the complainant Robert Rochele the
sum of one hundred & thirty four Dollars
and ninety ~~one~~ cents with interest on
one hundred & six Dollars & twenty eight $3\frac{1}{4}$
cents from the first day of July 1831 til paid
But the complainants are not to be entitled
to the benefit of this decree until they
respectively or some person for them shall
have executed & affording bonds payable
to the said defendant in the penalty of
Two hundred & sixty nine Dollars &
eighty two cents conditioned to perform
performance of all debts or demands which
may hereafter appear against the estate of the

the said Leve Rochelle deed together with
the costs attendant on the recovery of the same
And that the defendant pay to the com-
-plainants the costs of this suit out of the
assets in his hands to be administered

Decree

To be entered

R.H.B.

[Signature]

Land & Co

is {copy Decree

Rockwell's home

Plt. wants copy Decree
made out & sent to
S. May - unless left
contents to set under
decree -

Southampton Circuit Superior Court. April 5th 1837.

Nathaniel D Land and Mary His wife. late Mary H Rochelle, ~~Robert~~
Robert Rochelle, Stephen Murgough ^{admor:} of Nathaniel Rochelle dec^d. ^{Plffs}

against

Benjamin Dwany Committee of the estate of William L Rochelle dec^d who
was executor of Levi Rochelle dec^d. ^{Def^t}

In Chancery

This cause came on this day to be heard, on the bill answer and exhibits filed and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree, that the Defendant out of the assets in his hands to be administered pay unto the Complainant Nathaniel D Land the sum of Eighty eight dollars and nine cents with interest from the first day of July 1831 till paid: To the complainant Stephen Murgough administrator of Nathaniel Rochelle dec^d the sum of One hundred and thirty four dollars and ninety one cents with Interest on one hundred and six dollars twenty eight and three fourth cents part thereof from the first day of July 1831 till paid. To the Complainant Robert Rochelle the sum of One hundred and thirty four dollars and ninety one cents, with interest on one hundred and six dollars twenty eight and three fourth cents part thereof from the first day of July 1831 till paid. But the Complainants are not to be entitled to the benefit of this decree until they respectively, or some person for them shall have executed prefunding bonds payable to the said defendant in the penalty of Two hundred and sixty nine dollars and eighty two cents, conditioned to refund due proportions of all debts or demands which may hereafter appear against the estate of the said Levi Rochelle dec^d together with the costs attendant on the recovery of the same. And that the Defendant pay to the Complainants the costs of this suit out of the assets in his hands to be administered.

Plaintiffs costs \$23.36 cents

Teste

L R Edwards Clk

C.S.6

Land & Co

" { Sp. in Chy -

Dwany Shff &

1836 January Rules

Executed.

N. M. Selrell

The Commonwealth of Virginia :

To the ^{Coroner} ~~Sheriff~~ of *Southampton* County.—GREETING:

You are hereby commanded to summon *Benjamin Dwany Sheriff and*
Curator of the estate of William L Rochelle dec^d

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the
County of Southampton, on the first Monday of *January* — next, that being rule
day, to answer a ————— Bill exhibited against *him* —

in the said Court by *Nathaniel D Land and Mary*
H. his wife Robert Rochelle and Stephen Mardant surviving
administrators of Nathaniel Rochelle dec^d

And unless the said defendants shall answer the said bill, within four months thereafter, the
Court will take the same for confessed, and decree the matter thereof accordingly.

And this *he* shall in no wise omit, under the penalty of 100%. And have
then there this writ.

Witness—*Settle R Edwards*
~~JAMES ROCHELLE~~, Clerk of our said Court at the Court House, the *22*
day of *December* 183 *5*, and in the *60th* year of the Commonwealth.

L. R. Edwards Clk

[One copy to be delivered to each defendant.]

Land &c

n. E. Sp. in lch

Roschelles ad

in lch
1826. August RulesExecuted
Mr. J. B. de la Roche
Per J. Griffin Esq.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Benjamin Denny late Sheriff and
Committee &c of the Estate of William L Rochelle dec'd.*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County
of Southampton, at the Rules to be holden for the said Court on the first Monday in *August*
next, to answer a Bill in Chancery exhibited against *him* in the said Court by

*Nathaniel D Land and Mary his wife late Mary L Rochelle
Robert Rochelle and Stephen Murdough advisors: &c of Nathaniel
Rochelle dec'd*

And unless *he* shall answer the said Bill within four months thereafter, the Court will take
the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under
the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk
of our said Court, at the Court-house, the *19th* day of *July* 183*6*, in the
12th year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

Agreeably to the last Report of Com Briggs of William L Rochelles Transac-
tions on Levi Rochelles est. the sum of Two thousand three hundred forty dollars &
Seventy two cents is due the estate on the 1st day of September 1834 - from the
Executor W L Rochelle -

L R Edwards C.S.C

May 3/1837.

statement of the
discount -
due taken from
R. D. Lamb's paper
=

Bond from John D. Rockwell
statement of the Bond filed by the deft - as Exhibit -
due from Ample. Nath. D. Sand.

principal due 25. dec. 1828 for - \$ 74.32
deduct credit endorsed before bond due - 33.62
Int. to 1. July 1831. 2.56
\$ 40.70
6.12
\$ 46.82

Share of Bond. 134.91
~~134.91~~
deduct he had 46.82

\$ ~~88.09~~ } he am. for which
\$ 88.09 } N. D. Sand may have been due. \$ 88.09.

134.91

106.28

Land title &c?

vs { Record.

Rochelle's name

4914 North

At a Circuit Superior Court of Law and Chancery for Southampton County
holden at the Courthouse of said County on the fourth day of April one thou-
sand eight hundred and thirty seven and in the sixty first year of the
Commonwealth —

Be it remembered, that heretofore to wit: on the nineteenth day of July in the
year one thousand eight hundred and thirty six came Nathaniel D Land and Mary
H his wife late Mary H Rochelle, Robert Rochelle and Stephen Murdaugh adminis-
trators of Nathaniel Rochelle deceased by their Counsel and sued out of the Clerk's
Office of said Circuit Superior Court a Subpoena and decree nisi against Benjamin
Devany late Sheriff and Committee of the estate of William L Rochelle deceased
which Subpoena and decree nisi together with the return thereon made is in
these words and figures to wit:

"The Commonwealth of Virginia: To the Sheriff of Southampton County Greeting
We Command you that you Summon Benjamin Devany late Sheriff and Com-
mittee of the estate of William L Rochelle dec^d to appear at the Clerk's Office of
our Circuit Superior Court of Law and Chancery for the County of Southampton,
at the Rules to be holden for the said Court on the first Monday in August next
to answer a bill in Chancery exhibited him in the said Court by Nathaniel
D Land and Mary H his wife late Mary H Rochelle Robert Rochelle and Stephen
Murdaugh admors of Nathaniel Rochelle dec^d. And unless he shall answer
the said bill within four months thereafter; the Court will take the same for con-
fessed, and decree accordingly. And thus he shall in no wise outstand the
penalty of \$100. — And have then there this writ. Witness Littleton R Edwards
Clerk of our said Court, at the Courthouse the 19th day of July 1836 in the 61st
year of the Commonwealth. — I R Edwards Clk"

Return — "Executed"

And afterwards to wit: At Rules held in the Clerk's Office of the said Circuit
Superior Court of Law and Chancery on the first Monday in August 1836 came
the plaintiffs by their Counsel and filed their bill in these words —

"To the Honorable Richard H Baker, Judge of the Circuit Superior Court of Law
and Chancery for the County of Southampton humbly complaining show unto
your Honor your complainants Nathaniel D Land and Mary H his wife late
Mary H Rochelle, Robert Rochelle, and Stephen Murdaugh admors of Nath^l Ro-
chelle dec^d: that Levi Rochelle late of the County of Southampton, departed
this life in the year 1827 testate, and possessed of a very considerable estate; that
his devisees and heirs, were his four children, your complainants Mary H. Robert,
Nathaniel who ^{has} since departed this life and admors on his estate has been grant-
ed to the said Stephen Murdaugh, and William L Rochelle. That the said
William L Rochelle duly qualified ~~for~~ Exor. of the said Levi's Will, gave bond of

as will appear by attested copies of the Will and order of the County Court of Southampton and of the said Exceutorial bond herewith exhibited as parts of this bill: Your Complainants state, that previously to the death of the said Levi Rochelle the said William I Rochelle had lived with his said father, superintended his plantation & slaves, on and agreement to share the profits in ^{certain} proportions agreed on between them: that in attempting to settle his accounts as adm^r it became a subject of dispute between the said William and the heirs of the said Levi, how far the said Wm^r was chargeable for the proceeds of the crops so made as partners & by him rec^d and it was agreed on all hands by and between the heirs & the said adm^r to submit the questions thus arising & in controversy to the arbitrament of Wm^r C Parker, James Frequent, Wm^r B Goodwyn and L R Edwards, who after hearing the parties and witnesses, and especially the testimony of one Hutchings made up and signed their award in writing, which is hereto annexed and prayed to be taken as a part of this Bill: that by their award, the said adm^r was to be debited with the clear profits of the farm of his father for the years 1824, 1825, 1826 & 1827, and to be credited for one fourth thereof for the years 1824, and one third of the same for the years 1825, 26 & 27 - Your complainants allege that the said William I Rochelle departed this life in the year 1835 and during the pendency of a contest as to the validity of a paper writing purporting to be his will, his estate has been by an order of the County Court of Southampton committed to Benjamin Devany Sheriff of the said County for admⁿ: That before his death, the said William I Rochelle in obedience to an order of the County Court of Southampton submitted his vouchers and proofs of admⁿ to a Comm^r of the said County Court, who audited, stated and reported the same to the said Court, an attested copy thereof is herewith exhibited as a part of this bill, &c. that the order of settlement being exparte, there was no mode of compelling payment of the balance due thereon but by exhibiting to your Honor this bill. That the said accounts is stated, in regard to the disputed item in conformity with the award aforesaid, to which the said William could take no other exception than that a witness who was examined by the arbitrators, was now prepared to enlarge his testimony given before them - which your Complainants are advised is not a sufficient objection to the said award - Your Complainants are satisfied with the said account as stated and wish a decree that it be paid to them. But this cannot be compelled without the aid of this Court sitting in equity. In tender consideration whereof and for as much as your Complainants are remediless at law and only relievable in equity. To the end that the said Benjamin Devany Sheriff and Committee pendants L^rs of W^m I Rochelle dec^d may be made Defendants hereto and Compelled to answer the allegations hereof they pray the Writ of Sp^e directed &c &c. that your Honor will compel him out of the estate of said William to pay to them their proper proportions of the balance due from him as adm^r of the said Levi Rochelle dec^d on such conditions as are required by law.

and grant them such other relief general and Special as equity dictates in the premises. & they will ever pray &c.

Mason p^rg

Nathl D Sand & wife
Robt Rochelle
Stephen Muddough adm^r
Nathl Rochelle dec^d

Exhibits with bill -

I Levi Rochelle of the County of Southampton do hereby constitute and make this my last Will and Testament in the manner and form following to wit:
1st I will and desire that after my decease, that all my just debts and funeral expenses be first paid -
2^{ndly} I give unto my son William I Rochelle the tract of land whereon I now live, that is, the land which I purchased of James Badde, to him and his heirs forever -
3^{rdly} I give and bequeath unto my son Nathaniel Rochelle the lands which I purchased of Howell Barkham and Alexander Hutchings to him and his heirs forever -
4^{thly} I give unto my son Robert Rochelle, the sum of three hundred dollars to him and his heirs forever -
5^{thly} I give unto my daughter Mary H Sand, one negro girl named Eady to her and her heirs forever -
6^{thly} The balance of my negroes I give unto my children Robert William I and Nathaniel Rochelle and Mary H Sand (formerly Rochelle) that is, one fourth to each, to them and their heirs forever - and it is my further Will and desire that the following negroes namely Patrick, Jordan be allotted to my son Wm I Rochelle in part of his proportion of the division -
7th It is my Will and desire, that the negroes heretofore lent to my son Nathaniel Rochelle, and daughter Mary H Sand, shall come into the division, inasmuch as the above article, and should they or either of them refuse to give them up it is my further Will that the party so refusing shall draw no part of the negroes named on the 6th article -
8^{thly} the balance of my estate (after my just debts and the legacy left my son Robert, I give unto my children Robert Wm I & Nathaniel Rochelle and Mary H Sand, that is, one fourth to each, to them and their heirs forever -
9^{thly} and lastly I do hereby constitute and appoint my sons Robert and Wm I Rochelle my executors, to this my last Will and Testament, rendering all other Wills heretofore by me made. In Witness whereof I have hereunto set my hand and affixed my seal the 8th day of July one thousand eight hundred and twenty five.

Levi Rochelle

Signed in presence of

Robt Key
Joseph B Parker
Guthbert D Parkman

Southampton County Court February 19th 1828

This last Will and Testament of Levi Rochelle dec^d was proved by the oath of Robert Key and Joseph B Parker two of the subscribing witnesses and ordered to be recorded. And on

the motion of William L Rochelle one of the Executors therein named who made oath and together with Barham Wrenn and Joseph H Parker his securities entered into and acknowledged a bond in the penalty of fifteen thousand dollars conditioned as the law directs certificate is granted the said William L Rochelle for obtaining a probat of the said will in due form liberty being reserved for the other Executors therein named to join in the said probat when he thinks fit

Teste James Rochelle clk
Attest Teste J R Edwards clk

Know all men by these presents that we William L Rochelle, Barham Wrenn & Joseph H Parker are held and firmly bound unto Jeremiah Cobb, Benjamin Dewany, Robert Goodwyns and Samuel D Jones Gentlemen Justices of the Peace for Southamptom now sitting in the sum of fifteen thousand dollars to the payment whereof well and truly to be made unto the said Justices and their Successors in law ourselves and each of us our and each of our heirs, executors and administrators jointly and severally, firmly by these presents. Sealed with our seals and dated this 19th day of February 1828.

The condition of the above obligation is such, that if the above bound William L Rochelle Executor of the last will and Testament of Levi Rochelle do make or cause to be made a true and perfect inventory of all and singular the goods and chattels, rights and credits of the said deceased which have or shall come to the hands possession or knowledge of him or into the hands possession or knowledge of any other person or persons for him, and the same do make, do exhibit or cause to be exhibited unto the County Court of Southamptom at such time as he shall be thereto required by the said Court: the lands goods and chattels of the said deceased which at any time after shall come to the hands possession or knowledge of the said William L Rochelle or into the hands possession of any other person or persons for him do well and truly administer according to Law and further do make a just and true account of his doings and doings therein when thereunto required by said Court and also shall well and truly pay and deliver all the legacies contained and specified in the said Testament as far as the goods and chattels will thereto extend and the law shall charge then the above obligation to be void or else to remain in full force and virtue.

William L Rochelle (Seal)

Barham Wrenn (Seal)

Joseph H Parker (Seal)

Signed, sealed & delivered in the presence of the Court.

Attest Teste J R Edwards clk

Having been called upon by William L Rochelle Exor of Levi Rochelle dec^d & the legacies of the said Levi Rochelle to settle the principles upon which the Commissioner should settle an account of his transactions upon the estate of the said Levi Rochelle. We are of opinion and do decide that the said Commissioner should allow to the said William Rochelle for the year 1824 one fourth of the clear profits for the

made after defraying all the charges and expenses of keeping up and cultivating the said farm. & for the years 1825, 1826 and 1827 one third thereof & that the said William Rochelle render an account of the produce of the said farm for the said years, and also that the said William Rochelle shall be allowed by the Commissioner one third of the amount of the produce of the said farm at his Testator's sale if it should appear that the whole of the said produce was sold and credited to the said Testator's estate

Teste J R Edwards

James Rochelle

Wm L Rochelle

J R Edwards

Southamptom County February Court 1824. On the motion of William L Rochelle and Stephen Murdaugh who made oath and together with Peter Edwards and William D Phillips his securities entered into and acknowledged a bond in the penalty of fifteen thousand dollars conditioned as the law directs certificate is granted them for obtaining letters of administration on the estate of Nathaniel Rochelle deceased in due form.

Teste J R Edwards clk

Southamptom July Court 1825. Ordered that the estate of William L Rochelle dec^d be committed to the hands of Benjamin Dewany Sheriff of the County for the safe keeping and good management thereof during the contest about the will of the said William L Rochelle or until the further order of the Court.

Teste J R Edwards clk

The Estate of Levi Rochelle dec^d
In account with William L Rochelle Executor

1827	June	1	By my account due the estate	337 79
			To paid J Duggor acct. for Rent	75
	May	15	" Geo. Blaw "	48
	July	"	" S Barham "	15
			" S Rochelle "	2 44
	Nov	3	" " Tax account	17 55
	Decr	5	" " A D Land	6 12
			" ditto	27 50
			" my bond retained	142 32
		25	By my account Sales due this day	1327 65
			By James Rochelles bonds & Int	152 00
			" Henry Magee acct.	1 15
			" Washington Clements bond	18 48
			" J. Duggor on 1827. 10.	91 35
1827	Jan	1	By Balance due the estate	1537 23
				1827 10 1827 10

1829	Jan	1	By Balance brought down		1537 33	
Feb	10		To paid F. Rose acct. p. Recd.	13 02		
			" " W. H. Brodman atty.	20 00		
			" " Doct. Barkham	75		
March			" " Bond. Applewhite	10 00		
			" " W. H. Clinton	6 00		
Apr	3		" " Jas. Magee	2 34		
			" " L. Partridge	3 71		
			" " Rob. Rochelle Specific Legacy	300 00		
Sept	3		" " A. Claiborne atty.	13 50		
Oct	8		" " J. Maum acct.	3 50		
Nov	13		" " S. Barkham	11 85		
			" " N. Rochelle	19 75		
			" " Nancy Wilson	1 25		
1830	Jan	1	Balance due the Estate	1131 56	1537 33	
			By account brought forward		1131 56	
			" Int. on debts one year to this day			67 89
Feb	19		To paid Aunt Harriet bonds in part bond p. Recd.	150 00		
Mar	9		" " ditto in full	247 02		
			" " W. H. Brodman atty.	10 00		
May	19		" " B. J. Pierce bonds	52 00		
July			" " Thomas Rochelle acct.	16 75		
	19		" " Jas. A. Neumann	1 00		
Aug	15		" " L. Munry	5 83		
Oct	4		" " James O. Peters	8 93		
	6		" " Nancy Wilson	4 00		
Dec.			" " S. Barkham	2 00		
			" " B. Myricks	12 00		
			" " ditto Balance	36 25		
1831	Jan	1	Balance due the Estate	555 18	1131 56	67 89
			By Balance brought down		555 18	67 89
			" Int. on debts one year to this day			33 35
	28		To paid Edw. Parker acct. p. Recd.	37 42		
			" " James Moss	2 00		
			" " Temperance Parker	8 51		
			" " Goodwyn & Cary acct.	58 32		
			" " J. Jukes	1 00		
			" " J. S. French atty.	3 50		
			" " Sept. Downy for notices	2 00		
July	1		Balance due the Estate	443 53	555 18	101 20

1831

July

1	By Balance brought down	443 53	101 20
	" Int. 6 months on do to this day		13 29
	To Commissioners fee retained	15 00	
	" Clerks do	3 00	18 00
	By interest account brought down	425 15	
	" By Balance due the estate	114 49	
	with interest on \$425. 15 part thereof from this day till paid	539 64	

The Executors account with the estate, was arbitrated by Messrs Goodwyn & James Ingham, Wm. Barker & J. D. Edwards by consent of parties, and in their award they gave the estate one fourth of the net proceeds of the testators farm for the year 1826, and one third for the years 1825, 1826 & 1827 allowing at the same time his account of for services furnished the family - The Court settled the individual acct. in the first place, and fixed a balance due the testator of \$337. 79 which is credited in this account. The Court states that all accounts previous to the year 1825 was in the lifetime of the testator, of which he can produce evidence. Respectfully submitted to the Court
 Geo. Lobb M. B. M.

And afterwards to wit. At Rules held in the Clerk's Office of the said Circuit Superior Court of Law and Chancery on the first Monday in November 1836 (until which time the cause had been regularly continued at Rules) came the Defendant by his Counsel and filed his answer to the plaintiffs bill in these words to wit
 To the Honourable Richard H. Baker Judge of the Circuit Superior Court of Law and Chancery for the County of Southampton - The answer of Benjamin Deane my Sheriff and Committee pendente lite of the estate of William Rochelle deceased to the bill of Complaint of Nathaniel D. Land and Mary H. his wife, late Mary H. Rochelle and others in this Honourable Court against Sheriff & Committee as aforesaid, and which said William Rochelle was executor of Geo. Rochelle, exhibited. - The defendant now and at all times hereafter, saving and reserving to himself all benefit and advantage of exception to the many errors, uncertainties and imperfections in the said bill contained, for answer thereto or unto so much thereof as he is advised material & necessary for him to make answer unto, answers and says - That he has no personal knowledge of any of the matters and statements contained and set forth in the Complamant's said bill of Complaint and he calls for strict proof of all the allegations, and charges therein contained. - And this defendant further answers and says, that since the estate of the said William Rochelle was put into his hands whilst acting as Sheriff of this County he has been informed, that the said William

L Rochelle in his lifetime and the complainants could never agree as to a demand which they set up in relation to some charge about cotton made on the land of Levi Rochelle. That the demand as charged in the aforesaid bill was always resisted by the said William L Rochelle in his lifetime, on two grounds: First, that he could not prove by the Overseer who lived upon the plantation, that said Levi Rochelle had acknowledged in the presence of the said Overseer, as well as in the presence of the said William L Rochelle, that he had seen the said William L Rochelle had accounted for, and paid over to him, the full amount for the crop of cotton for the year 1824 which as this defendant has been informed, was the difference between the parties - That owing to some circumstances unknown to this defendant, the testimony of the said Overseer whose name is Alexander Butcher jr. either was not before the referees, or if the witness was present, he did not, or could not, owing to his particular situation at the time, detail and explain such facts as might, and doubtless would have produced a different conclusion on the part of the referees - And that secondly, if the estate of the said William L Rochelle is to be held responsible for the cotton crop, or any part of it, for the year 1824, that the same has been accounted for at a very high rate, and at a price greatly exceeding the market price of cotton for that year - This defendant thinks that he shall be enabled to show by proof, to be taken in the progress of this suit, that the said William L Rochelle's estate is not responsible for the cotton aforesaid, and therefore ought not to be made liable, for the entire demand set up by the complainant, if indeed, it is liable for any part thereof - And this defendant further answers and says, that he claims in behalf of the estate of the said William L Rochelle the same right, title and portion to which each of the complainants are or may be entitled as heirs & legatees under the residuary clause of the will of Levi Rochelle as referred to as an exhibit filed by the complainants together with a bond executed by Nathaniel D. Sand, one of the complainants, and made payable to the said William L Rochelle Executor of Levi Rochelle dec'd dated the 16th day of March 1825, conditioned to pay the sum of twenty four dollars and 32 Cents with legal interest on the same from the 25th day of December next ensuing the date thereof, which bond has a credit endorsed thereon on the 25th March 1825, for thirty three dollars sixty two Cents, the said bond is herewith exhibited marked (A) and prayed to be received as a part of this answer without that, that &c.

(Signed) Benj^y Dewmy

Clarborne Proutie p. d.

Southampton County to wit. This day Benjamin Dewmy who hath signed the foregoing answer, appeared before the undersigned a Justice of the Peace in and for the County aforesaid, who made oath that all the matters and things contained in the said answer are just and true so far as they depend upon his own knowledge

and so far as they depend upon the knowledge or information of others he believes them to be true - Given under my hand and seal this 20th day of November A.D. 1826

N. M. Seabell (Seal)

The following is the document filed as an Exhibit with the foregoing answer - To wit

"Know all men by these presents that we Nathl^l D. Sand and Benjamin F. Mychal of the County of Suffolk are held and firmly bound unto William L Rochelle executor of Levi Rochelle dec'd in the sum of one hundred and thirty eight dollars and sixty four Cents, to be paid to the said William L Rochelle his certain attorney, his heirs, executors, administrators or assigns to which payment well and truly to be made we bind ourselves our heirs, executors and administrators firmly by these presents. Sealed with our seals and date this 16th day of March one thousand eight hundred and twenty eight - The Conditions of the above obligation is such that if the above bound Nathaniel D. Sand and Benjamin F. Mychal our heirs Executors or administrators do and shall well and truly pay or cause to be paid unto the above named William L Rochelle his heirs, executors, administrators or assigns the full sum of twenty four dollars and 32 Cents with legal interest for the same from the twenty fifth day of December next then the above obligation to be void or otherwise to remain in full force and virtue - Signed Sealed and delivered in the presence of

Sol^l D. Parker act^g N.D.S.

1825 March 25th Rec^d thirty three dollars sixty two cents in part of the within - by Counsel

To which answer the plaintiff instantaneously replied generally - And afterwards to wit. At Rules held in the Clerk's Office of the said Court and Superior Court of Law and Chancery on the first Monday in March in the year 1827 on the motions of the plaintiff by Counsel this cause was set for hearing - And now at this day to wit. At a Circuit Superior Court of Law and Chancery held for the County aforesaid, on the day and year first herein aforesaid to wit the 5th day of April in the year 1827. This cause came on this day to be heard on the bill answer and exhibits filed and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that the defendant out of the assets in his hands to be administered pay unto the complainant Nathaniel D. Sand the sum of eighty eight dollars and nine cents with interest from the 1st day of July 1821 till paid. To the complainant Stephen Murdaugh administrator of Nathaniel Rochelle dec'd the sum of One hundred and thirty four dollars and ninety one cents with interest on One hundred and six dollars and twenty eight and three fourths cents part thereof from the first day of July 1821 till paid. To the complainant Robert Rochelle the sum of One hundred and thirty four dollars and ninety one cents with interest on One hundred and six dollars and

Twenty eight and three fourth cents from the 1st day of July 1831 till paid. That the
Complainants are not to be entitled to the benefit of this decree until they respectively
or some person for them shall have executed refunding bonds payable to the said defend-
ant in the penalty to two hundred and sixty nine dollars and eighty two cents condition-
ed to refund due proportions of all debts or demands which may hereafter appear
against the estate of the said Levi Rochelle dec? together with the costs attendant
on the recovery of the same. And that the Defendant pay to the Complainants
the costs of this suit out of the assets in his hands to be administered
Plaintiffs costs \$23.36. Cents.

Attest Teste L R Edwards

2340. 72
15. Apr. 1834.
Mary H.

Land 8ad

B

" { Ex. with bill.

Rockwell's 200

5

Having been called upon by William
Rockelle Executor of Levi Rockelle dec'd
the legates of the said Levi Rockelle to
settle the principles upon which the
commissioner should settle an account
of his transactions upon the estate of the
said Levi Rockelle

We are of opinion and do decide
that the said commissioner
should allow to the said William
Rockelle, for the year 1824 one
fourth of the ^{clear profits after} ~~crop~~ ^{the} ~~made~~ ^{the}
~~said year~~ & for the years 1825
1826 & 1827 one third, & defraying
all the charges & expenses of keeping
up and cultivating the said farm
& for the years 1825, 1826 and
1827, one third thereof & that the
said William Rockelle render
an account of the product of
the said farm for the said years
and ~~that~~ and ^{that} ~~the~~ said William
Rockelle shall be allowed by the
commissioner one third of the amount
of the produce of the said farm
sold at his testator's sale if it
should appear that the whole of
the said produce was sold and
credited to the said testator's estate

Wm B. Goodwyn
L. R. Edwards

Wm Pether
James Heyman

Wm. L. Rockelle Esqr of
Levi Rockelle

Comr's Report

A Copy

Land &c

v. Ex. w. B. L.

Rockelle's son

1 C,

The Estate of Levi Rockelle and
In account with William L. Rockelle executor

1828									
June	1	By my account due the estate						337	79
		To paid S. Dagger acct for Receipt				75			
May	15	" " Geo. How "				48			
July		" " S. Barham "				1 15			
		" " J. Rockelle "				2 44			
Nov	3	" " Tax account "				17 88			
Dec	5	" " A. D. Land "				6 12			
		" " atty "				27 50			
		" my bonds retained				142 30			
	25	By amount sales due this day due this day						1327	63
		By James Rockelle bonds of Int						152	00
		" Henry Mage acct						1	18
		" Washington Clements bonds						18	48
1829		To bond on of 1827.10				91 35			
Jan	1	By balance due the estate				1537 23			
						1827 10	1827 10		
"		By balance brought down				" "	1527 23		
Feb	18	To paid F. Rose acct of Recd				13 03			
		" " N. A. Broadnaw atty "				20 00			
		" " Doct ^r Barham "				75			
March		" " Benja Applewhite "				18 00			
		" " N. A. Stanton "				6 00			
Apr	3	" " Jno. Mage "				2 34			
		" " S. Patridge "				3 71			
		" " Robt. Rocke specifick Legacy				300 00			
Sept	3	" " A. Claiborne atty				13 50			
Oct	8	" " T. Menn acct				3 50			
Nov	12	" " S. Barham "				11 85			
		" " N. Rockelle "				19 75			
		" " Gancy & Wilson				1 25			
1830									
Jan	1	Balance due the estate				1131 56			
						1537 23	1537 23		

1830						
Jan.	1	By amount brought forward		1131 56		
		" Int. on ditto one year to this day			67.89	
Feb.	19	To paid Newell Harris in part bond p. ret	150 00			
Mar	9	" " ditto in full	247 02			
		" " M. H. Brodman atty.	10 00			
May	17	" " P. S. Parice bond	52 60			
July		" " Lemima Rochelle acct.	16 75			
	19	" " Geo. A. Newson "	1 00			
Augt	16	" " S. Manry "	5 83			
Oct	4	" " James E. Peters "	8 92			
	6	" " Ganey & Wilson "	4 00			
Decr.		" " J. Parkham "	2 00			
		" " B. Myrick "	42 00			
1831		" " ditto Balance	36 25			
Jan.	1	Balance due the estate	555 18			
			1131 56	1131 56	67.89	
"		By balance brought down		555 18	67.89	
		" Interest on ditto one yr. to this day			33.31	
28		To paid Solo. Parker acct. p. ret	37 42			
		" " James Moore "	2 10			
		" " Temperance Parker "	8 57			
		" " Goodwyn & Cary acct.	58 22			
		" " J. J. J. J. "	1 00			
		" " J. H. French atty.	2 50			
		" " J. J. J. J. for notices	2 00			
July	1	Balance due the estate	443 53			
			555 18	555 18	101.20	
"		By balance brought down		443 53	101.20	
		" Int. 6 months on do to this day			13.29	
		To comms fee retained	15 00			
		" blocks do	3 00	18 00		
				425 15		
		By Interest acct brot		114 49		
"		By balance due the estate		539 64		
		with Interest on \$425.15 part thereof from this day till paid				

The executor's account with the estate, was arbitrated by Wm B Goodwyn, James Freymant, M. C. Parker & L. R. Edwards by consent of parties; and in their award they gave the exr. one fourth of the nett proceeds of the testator's farm for the year 1824. and one third for the years 1825, 1826 & 1827 allowing at the same time his account &c for sundries furnished the family. The Comrs. settled the individual acct in the first place, and find a balance due the testator of \$327.79 which is credited in this acct. The exr. states that all acct. previous to the year 1825 was in the lifetime of the testator, of which he can produce evidence. Respectfully submitted to the court.

Comrs for \$15 charged
to the exr.

Geo. Robt M. Comr

A copy
Teste L. R. Edwards C. C.

Land of 8

" { Ex: with bill

Rockhills as

Southampton County Court. February 17th 1824.

On the motion of William L Rochelle and Stephen Murdaugh who made oath and together with Peter Edwards and William D Phillips his securities entered into and acknowledged a bond in the penalty of twelve thousand dollars conditioned as the law directs, Certificate is granted them for obtaining letters of administration on the estate of Nathaniel Rochelle deceased in due form.

Teste L R Edwards *clerk*

Southampton County Court. February the 1828.

The Last Will and Testament of Levi Rochelle deceased was proved by the oath of Robert Key and Joseph H Parker two of the subscribing witnesses thereto and ordered to be recorded. and on the motion of William L Rochelle ^{one of} the Executor therein named who made oath and together with Barham Wrenn and Joseph H Parker his securities entered into and acknowledged a bond in the penalty of fifteen thousand dollars conditioned as the Law directs, Certificate is granted ~~them~~ for obtaining a probat of the said will in due form. liberty being reserved for the other Executor therein named to join in the said probat when he thinks fit.

Teste L R Edwards *clerk*

Southampton July Court 1835.

Ordered that the estate of William L Rochelle dec^d be committed to the hands of Benjamin Devany Sheriff of this County for the safe keeping and good management thereof during the contest about the will of the said William L Rochelle until the further order of the Court.

Teste L R Edwards *clerk*

Sand Gad

or { Ex: with bill

Rochellio av

I Levy Rochelle of the County of Southampton do hereby constitute and make this my last Will and Testament in the manner and form following to-wit:-

- 1st. I will and desire that after my decease, that all my just debts and funeral expences be first paid.
- 2^{ndly}. I give unto my Son William L Rochelle the tract of Land whereon I now live, that is, the land which I purchased of James Battle, to him and his heirs forever-
- 3^{rdly}. I give and bequeath unto my Son Nathaniel Rochelle, the lands which I purchased of Howell Barkham and Alexander Dutchings, to him and his heirs forever.
- 4^{thly}. I give unto my Son Robert Rochelle, the sum of three hundred dollars to him and his heirs forever.
- 5^{thly}. I give unto my daughter Mary A Land, one negro girl named Eddy to her and her heirs forever-
- 6^{thly}. The balance of my negroes I give unto my Children Robert, William L and Nathaniel Rochelle and Mary A Land (formerly Rochelle) that is, one fourth to each, to them and their heirs forever- and it is my further will and desire that the following negroes, namely Patrick & Jordan be allotted to my Son W^m L Rochelle in part of his proportion of the division
- 7th. It is my will and desire that the negroes heretofore lent to my Son Nathaniel Rochelle, and daughter Mary A Land, shall come into the division, named in the above article, and should they or either of them refuse to give them up, it is my further will that the party so refusing shall draw no part of the negroes named in the 6th article.
- 8^{thly}. The balance of my estate (after paying my just debts and the legacy left my Son Robert, I give unto my children Robert, W^m L & Nathaniel Rochelle and Mary A Land, that is one fourth to each, to them and their heirs forever.
- 9th and Lastly. I do hereby constitute and appoint my sons Robert & W^m L Rochelle my Executors to this my last Will and Testament, revoking all other Wills heretofore by me made. In Witness whereof I have hereunto set my hand and affixed my Seal this 8th day of July one thousand eight hundred and twenty six.

Signed in presence of-

Robt. Key

Joseph H Parker

Leathbur D Barkham

Levy Rochelle (Seal)

Southampton County Court February 19th 1828

This last Will and Testament of Levy Rochelle dec^d was proved by the oath of Robert Key, and Joseph H Parker two of the subscribing witnesses thereto and ordered to be recorded And on the motion of William L Rochelle one of the Executors therein named who made oath and together with Barkham Munn and Joseph H Parker his Securities entered

into and acknowledged a bond in the penalty of fifteen thousand dollars conditioned as the law directs. Certificate is granted the said William L Rochelle for obtaining a probate of the said will in due form, liberty being reserved for the other Executors therein named to join in the said probate when he thinks fit.

Teste James Rochelle clk

Attest Teste L R Edwards clk

Know all men by these presents, that we William L Rochelle, Barham Wrenn & Joseph A Parker are held and firmly bound unto Jeremiah Cobb, Benjamin Devany, Robert Goodwynne and Samuel B Hines Gentlemen Justices of the Peace for Southampton now sitting in the sum of fifteen thousand dollars: to the payment whereof well and truly to be made unto the said Justices and their Successors, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators jointly and severally, firmly by these presents Sealed with our seals and dated this 19th day of February 1828

The condition of the above obligation is Such, that if the above bound William L Rochelle Executor of the last Will and Testament of Levy Rochelle deceased do make or cause to be made, a true and perfect inventory of all and singular the goods and chattels, rights and credits of the said deceased, which have or shall come to the hands, possession or knowledge of him or into the hands & possession or knowledge of any other person or persons for him and the same so made, do exhibit or cause to be exhibited, into the County Court of Southampton at such time as he shall be thereto required by the said Court: the lands goods and chattels of the said deceased which at any time ~~after~~ shall come to the hands, possession or knowledge of the said William L Rochelle or into the hands and possession of any other person or persons for him do well and truly administer according to Law: and further do make a just and true account of his doings and doings therein, when thereunto required by said Court: and also, shall well and truly pay and deliver all the legacies contained and specified in the said Testament, as far as the goods and chattels will thereto extend, and the law shall charge: then the above obligation to be void or else to remain in full force and virtue -

Signed Sealed & delivered in
the presence of the Court.

William L Rochelle (Seal)

Barham Wrenn (Seal)

Joseph A Parker (Seal)

Attest Teste L R Edwards clk

1829 March 20th To the thirty three dollars
and two cents in part of the within

Land
Bonds
\$74.32

(A.)
Land 4th
" 3rd with 1/2nd of 1st.
Rockwell's 10th 1/2nd

^{Sp. 74. 1. 32}
^{148. 64}
Know all men by these presents that We Nathl. D. Land
and Benjamin F. Wyche of the County of ~~Super~~ ^{and}
held and firmly bound to William S. Rochelle Executor of Levi
Rochelle dead in the Sum of one hundred and forty eight
Dollars and Sixty four Cents who paid to the

Said William S. Rochelle his certain attorney his heirs executors
administrators or assigns to which payment well and truly to be made
We bind our selves our heirs executors and administrators firmly
by these presents sealed with our Seal and date this 14th
day of March one thousand eight hundred and twenty eight

The condition of the above obligation is Such that if the above
bind Nathaniel D. Land and Benjamin F. Wyche
our heirs executors or administrators do and shall well and truly pay
or cause to be paid unto the above named William S. Rochelle his
heirs executors administrators or assigns the full Sum of
Seventy four Dollars and 32
Cents with legal interest for the same from the twenty fifth day
of December next then the above obligation to be void or otherwise
to remain in full force and virtue.

Signed Sealed and delivered
in the presence of
Col. S. Parker as to N. D. L.

Nathl. D. Land
Seal
B. F. Wyche
Seal