

1843-1/8 SOUTHAMPTON COUNTY
CHANCERY PAPERS

LAURENCE et al VS. DAY

2/184/3

Other surnames: TURNER,
Rochelle, Kirby

Laurens + } B. A
183 }
Dey - } Secum

1841 Nov. Dierce as filed
1843 Jan. Report.
" Feb. Confm?

To the worshipful County Court of Southampton
in Chancery sitting.

Humbly complaining shew unto your worships.
your complainants. Miles E. Lawrence assignee
of John A. Turner, William L. Rochelle, John R.
Rochelle and Mary T. & Martha E. Rochelle infants of
Nathaniel Rochelle by William L. Rochelle their
Guardian & next friend, that. John Day late of the
County of Southampton, departed this life sometime
about the year 18th intestate, leaving a widow
to whom dower in the estate has been assigned, your
complaints represent. that amongst the dower lands, is one
by name Tom, who is of so turbulent a disposition &
so very ungovernable, that he is of no value to the tenant
for life and is likely to be lost to your complaints
who are the heirs of Geo Day and as such are entitled
to the fee simple in said negro, they therefore as
they are unable at law and only relieve in Chancery
where matters of this kind are alone cognizable
to the end that they may be made secure in the
premises. pray that said ~~land~~^{negro} may be made
privately by some prudent and discreet person
as Commissioner of D. share, that your complaints will
decree to the widow Mary A. Day such a sum as
she ought to have in lieu of her life estate, after a
due regard to her age & health. they represent. that they
are advised that she has no objection to a sale -
but they pray that she may be made a party
before to this bill and be required to answer the
same - praying the Commonwealths writ of Habeas Corpus
& commanding & they will ever pray &c

Reddy & Godwyn Jrs.

The answer of Mary A Day to the
above bill of Complaint -

This Respondent saving to herself all
benefit of exception that may hereafter arise, to
the Complaints bill. For answer, says - that
she admits the allegations of the bill to be
true and states that she has no objection to
a decree upon the terms prayed for - and
having answered prays to be hence dismissed -
Rt & Ly. for Deft.

Lawrence & others

v

Mary A. Day -

Decree.

This day this cause was docketed
by leave of Court and consent of parties and came
on to be heard on the bill and answer, and was
argued by counsel. On consideration whereof the
Court doth order, adjudge and decree that
William B. Whitehead be appointed special
commissioner, that he be authorized to sell
privately, the negro slave Tom, a slave negro of
Mrs Mary A. Day, upon such terms as to him
may seem just & proper; and out of the amount
received pay to ^{the late Mrs Day} ~~the~~ the widow, one 7th part
of the whole in lieu of her life estate, of the
remainder pay to Mills E. Lawrence assignee of
Jno A Turner one third and the other two thirds
pay to the heirs of Nathaniel Rockwell. and
report his doings to the Court in order to a final
Decree -

Lawrence & D

to } Duree

Day

Happy

Southampton County Court November Term 1821

Mills & Lawrence assignee of John A Turner William L Rochelle
John R Rochelle and Mary ^{2^d} and Martha C Rochelle infants
of Nathaniel Rochelle dec^d by William L Rochelle Their Guardian
and next friend

Pops

Against

Mary A Day

Sept.

This day this Cause was docketed by leave of Court and
Consent of parties and came on to be heard on the bill and answer and was
argued by Counsel. On Consideration whereof the Court with advice given
and decree that William R Whithead be appointed special Commissioner that
he be authorized to sell privately the negro slave land a dower negro of Mrs
Mary A Day upon such Terms as to him may seem just and proper
and out of the amount pay to Mrs Kirby late Mrs Day the widow one 7th
part of the whole in view of her life estate, of the remainder pay to Mills
& Lawrence assignee of John A Turner One third and the other two thirds
pay to the heirs of Nathaniel Rochelle and report his doings to the
Court in order to a final decree—

Costs for \$2.38 to be
returned by Com.

Attest

Teste

L R Edwards Clk

2

Laurence J. ad

to } Report.

Day

1843 January Cont.

In Obedience to a Decree of the County Court of Southampton pronounced at its November Term 1841, appointing me a Special Commissioner to sell privately the negro Slave Tom a down Negro of Mrs Mary A Day, upon such terms as might to me seem just and proper, and out of the amount pay to Mrs Stealy late Mrs Day, the Widow one seventh part of the Whole in line of her life's estate; Of the Remainder pay to Mills E. Lawrence Appointed of John A. Turner one third, and the other two thirds pay to the heirs of Nathaniel Rochelle dec'd, and report his doings to the Court in order to a final decree.

I beg leave to make the following Report.

Report.

The ^{negro} Tom at the time of the decree, was confined in Jail in Portsmouth, and had been so confined for a considerable time, was considerably unmanageable, having been runaway for near two years, and with all being unknown from his name, I found great difficulty and could not succeed in selling him, under which circumstances I shipped him to Charleston S.C. and obtained for him after deducting Sails Fee, Passage and all other expenses in effecting sale, the sum of \$303.16

From which sum deduct 5 per cent Commission \$15.00

and 2 per cent on the bal. of 3.16 — .06

Clerks Fee

2.38 2.38 17.44

\$285.92

The Widow one seventh part is —

40.81

\$244.91

Mills E. Lawrence one third part of the Remainder

paid to him as per his receipt annexed — is \$81.63 2/3

The heirs of Nathl. Rochelle two thirds part of the Remainder paid to Mr. L. Rochelle in right of himself and as guardian to John R.

Mary F. and Martha E. Rochelle as per his receipt hereto annexed —

\$163.27 5/8 \$244.91 +

All of which is Most respectfully
Submitted

Wm. B. Whitehead
Special Commissioner

June 1st 1842 Rec^d of Wm B. Whithead Special Com-
missioner the Sum of Eighty ~~one~~ dollars and Sixty
Cents three and two thirds Cents, in full for the
rent due me under a decree of the County
Court of Southampton pronounced at
its November Term 1841, Appointing said Whithead
a Special Commissioner to sell ~~privately~~
a Negro Slave Son, ~~the~~ dower (negro of Mrs
Mary A Day, upon such terms as to him may
seem just and proper?"

Mills E. Sawtun

June 1st 1842 Rec^d of Wm B. Whithead Special Commis-
sioner the Sum of One Hundred and Sixty Three dollars
and Twenty Cents and one third Cents in full for the rents
due me in right of myself and as Guardian to John N
Mary F. and Martha E. Rockells, under a decree of the
County Court of Southampton at its November Term, Appoint-
ing said Whithead, a Special Commissioner to sell privately
a Negro Slave Son the ~~same~~ dower (negro of Mrs Mary
A Day upon such terms as to him may seem just and
proper?"

William Rockells for myself and as
guardian for John N Mary F. and
Martha E. Rockells

Since the death and shipment of the Negro Slave
Son; Mrs Mary A Day, late Mrs Kirby, the widow, has
deceased this life, and I have become her Adminis-
trator; therefore the funds to which she was entitled
being in my hand; remain so, as her legal repre-
sentative

Wm B. Whithead
Special Commissioner, and
Administrator of
Mary N Kirby dec^d;