

1844-039 SOUTHAMPTON COUNTY
CHANCERY PAPERS

LAWRENCE VS. ROCHELLE & al

1/1844

other surnames: Day, Turner,
Kirby

~~24~~ 13.

Laurence

v. } Papers.

Rachelles

Lawrence

v. } Statement

Rockwell

1842.

October 3.^d Subpoa issued

Novr. R. Subpoa. ret.^d Ex.^d Bill filed.

Decr. R. Wm. S. Schell appointed Gov.
ad. litem to infant Dft.

1843.

Jan'y - R. set for hearing as to Dft.
Wm. S. Schell.

Apr. J. Continued.

Oct. " Continued.

Nov. R. Answer of Infants. Gen.

Rep. V.

1844

Jan'y - R. set for hearing as to the
infant Dft.

Wills. C. Lawrence
as $\frac{2}{3}$ Bill in Chancery -
William L. Rockelle et al

Holliman 79

John Mandargh,
Comptroller to Lawrence
(1170 words)

To the Honorable Judge of the Superior Court of Law and Chancery
of the County of Southampton in the Commonwealth of Virginia—
— on the Chancery side thereof.

Your complainant Mills E. Lawrence of the County of Isle
of Wight states:

That in or about the year 1815, one John M. Day of said County
of Southampton departed this life, intestate, and possessed of a number
of negro slaves: That he left a widow named Mary Ann Day, and
also five children, namely Richard B. Day, Edmund L. Day, and
John M. Day, and Frances Day, and one Martha G. who at the
time of his death was the wife of one Edwin Turner: That sometime
after his death his said widow married one W. Kirby, who died
during her life time — and that she (the said widow) herself died
in or about the 24th day of January 1842: That all the said five
children together with said Edwin Turner have now been dead for
quite a long time; the said Richard B. Day and Edmund L. Day
leaving no children, so far as your complainant is informed; the said
child John M. Day (last mentioned) dying childless, intestate,
and under the age of twenty one years; the said Martha G. Turner
leaving one child named John A. Turner, who attained to twenty
one years of age several years ago, and now resides in said Southamp-
ton County; and the said Frances Day (who during her lifetime
married one Nathaniel Rochelle now likewise dead) leaving four
several children, namely, William L. Rochelle, John R. Rochelle,
Mary F. Rochelle, and Martha E. Rochelle, all of whom reside in
said Southampton County, and of whom the three last named are
infants and under the age of twenty one years, and wards of their
brother, the said William L. Rochelle: That after the death of the
said first mentioned John M. Day, in pursuance of an order of
the County Court of said Southampton County, in or about the year
1816, there were assigned unto his said widow Mary Ann Day, (late
Mary Ann Kirby as aforesaid) as her portion and share of the negro
slaves whereof her said first husband John M. Day died possessed,
to be held and enjoyed by her during her natural life, with rever-
sion to the heirs of her said first husband John M. Day, the following
seven negro slaves, namely, Thomas, Hardy, Jacob, Dick, Benjamin,
Luke, Mason, Winney, Clarissa, Dolly, and Mariah: That during
the lifetime of said Mary Ann, the said negro slave Dolly died, —
also said Clarissa also died, leaving three children, namely James
Andrew and Cynthia; said Dick was drowned near Smithfield;
in said Isle of Wight County; and said Thomas and Mariah were sold
by an order of said Southampton County Court — to the sale of said
Thomas your complainant himself consenting, as a party duly
entitled, together with others, to the reversion of said negro slaves
assigned as aforesaid: That, thus, in the end, the said Mary Ann died
possessed of only the following named nine negro slaves, devised to her
mediately and immediately from the estate of her said first husband
John M. Day first above mentioned, namely, Hardy, Jacob, Benjamin,

Luke, Mason, ^{and} Winney of the eleven slaves assigned as aforesaid; and James, Andrew and Cynthia, children of Clarissa as above stated: That on the 3rd day of July 1841. the aforesaid John A. Turner, for valuable consideration, sold and conveyed to your complainant all his right, title and interest whatsoever, in and to the ~~at~~ nine negro slaves last named, together with two others, namely Thomas and Dick, who are herein before mentioned; all which will fully appear by reference to a certain instrument of writing, marked Exhibit A, herewith filed, and hereby referred to and prayed to be taken as part of this your complainant's bill; and by virtue of which said instrument of writing alone, ~~your~~ your complainant was ~~is~~ entitled to said negro slave Thomas as to consent to his sale as aforesaid: That since the death of the said Mary Ann (late Mary Ann Kirby) her personal representative, one William B. Whitehead of the County of Nansemond in said Commonwealth, placed the last named nine negro slaves whereof said Mary Ann died possessed as aforesaid, in the possession of the said William L. Rochelle, as one of the persons properly thereto, and in whose possession your complainant presumes they now are: And, finally, that your complainant is anxious and desires to have made a proper partition of said last named nine negro slaves just referred to; and that said William L. Rochelle in whose possession they are presumed to be, and his said wards John R. Rochelle, Mary F. Rochelle, and Martha E. Rochelle in aforesaid, refuse to make such partition.

Your complainant, accordingly, avers that such refusal aforesaid is contrary to equity and good conscience, and tends manifestly to his injury; and that he hath none, or an insufficient remedy, in the premises, elsewhere than in this Honorable Court.

Your complainant prays that the said William L. Rochelle, and the said ^{by their next friends} John R. Rochelle, Mary F. Rochelle, and Martha E. Rochelle (who are all the parties, your complainant knows of, interested, together with himself, in the said last named nine negro slaves) may be made parties defendant hereto, and ^{on oath} come and discover before your Honour the precise character and extent of their respective estates in said last mentioned slaves, and whether they know of any other persons interested in the same, and full and proper answer make to all and singular the allegations of this bill herein before contained as precisely as though the same were here particularly repeated, and they the said parties defendant just named most specifically interrogated thereto — to the end that justice may be done in the premises.

Your complainant further prays that, upon such discovery and answer, your Honour will decree proper partition of said last named nine negro slaves to be made, so that he may speedily possess and enjoy his portion just portion thereof, and also ~~also~~ give to your complainant such other and further general relief

in the premises, as the nature of the case will admit, and to your Honour may seem meet and equitable.

Your complainant finally prays that the Commonwealth's writ of ~~subpoena~~ ^{subpoena} may issue &c. directed &c. — And as in duty bound your complainant will ever pray &c.

John Muddaugh,

Complainant's Counsel.

Laurence

Rockwell &

Infants
answer

1843 November Rules

The answer of John R. Rockelle
Mary F. Rockelle and Martha E. Rockelle
infants under 21 years of age by their
guardian Mr J. E. Hull to a bill
exhibited against them & others in
Southampton Sup. Co by Mills &
Co answer

These respondents for answer
to said bill answer and say
that being infants they are igno-
rant of their rights and they
ask of the court to be protec-
ted in all matters mentioned
in said plaintiffs bill and
that they may have their
interests preserved and pro-
tected in any decree to be
made in the cause. Having
thus answered they pray to be
dismissed with their costs in
this behalf expended

signed
J. E. Hull

c

b. d. b

Lawrence

v. } Sp^o. m. Chy

Rockelle 8^o

1842 November Rules

Executed on Mary
F. Rockell & Martha
2 Rockell

Mr. G. H. Hill by
Mr. Everett & H.

Executed on William L.
Rockelle and John B. Rockelle
for Mr. Everett by
William L. Everett
Shiff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *William S. Rochelle, John R. Rochelle,
Mary F. Rochelle, and Martha E. Rochelle*

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
November - next, to answer a Bill in Chancery exhibited against *them* in
the said Court by *Mills & Lawrence*

And unless *he* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will
take the same for confessed, and decree accordingly. And this *they* 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 ^{*3^d*} day of
October. 1842, in the *66th* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

At a Monthly Court held for Nansemond County the 12th day of July 1841. This receipt from John A. Turner to Mills E. Lawrence was proven by the oaths of R. H. Piddick Jr (and) Nathaniel Wright the Subscribing Witnesses thereof and ordered to be recorded.

Teste

Joseph Prentiss Clerk

Subscribed A. J.

John A. Turner

to { Receipt

Mills E. Lawrence

1841

July 12. prop. in Court
by the sub. witness to O. R.

1842 Feb. 15. R. H. Piddick Jr.

Exam^d

Recorded book 34. p. 266

Wm. J. Banks
J. C. Banks

Recorded book No 21
page 130 -

In the Office of Isle of Wight County Court the 10th day of February 1842 This receipt from John A. Turner to Mills E. Lawrence was received in the Office and with the Order of Court that the Same had been admitted to record in the Court of Nansemond County (admitted to record

Teste

Wm. J. Banks S. C.

Suffock July 3rd 1841 Recd. from
Mills E. Lawrence the sum of Three
Hundred & Ten dollars, It being for the
purchase money of all my Interest,
right, title, or claim whatsoever in
the following negro Slaves (viz) Thomas,
Hardy, Jacob, Dick Benjamin, Lufu
James, Andrew, Mason, Senthew and
Winnny, which Slaves are at present
in the possession of Mrs. Mary Ann
Kirby, Together with all the right
title or claim whatsoever that I may
in any wise have.

Witness

John A. Turner

R. D. Proctor ✓

Nath. Wright ✓

Turner }
to } Recd.
Lawrence }

1822 Feby 12th Rd. Q. A. R.

Received
Page 28th

E. O.

Southampton County In the Clerks Office The 12th day of February 1822
This Receipt from John A Turner to Mills & Lawrence was returned
and together with the Certificate annexed submitted to Record

Teste L M Edwards Ck

Edmund L Day gives by his last
will and testament in 1822 to Ebenezer
Turner Phil a negro man and the
rest and profits to be taken & sold in
Richville -