

1869-04

Southampton County - Chancery

Picks, James B

vs. Gachette, J. B.

"Settlement of debt"

~~39~~ 39 ~~39~~

Ricks

~ } Papers

Rochelle &

Bricks } Bill
in }
Brickell }
}

1861 April Rules

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124
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To the Hon. Richard H. Baker Judge of the Circuit
Court of Southampton County, Virginia - In Chancery
sitting -

Humly complaining sheweth unto
your Honor, your complainant James R.
Bick, That J R Rockwell is jointly indebted to
him in the sum of seventy three dollars
and thirty one cents, with legal interest thereon
from the 1st day of January 1861, as will appear
by his account against said Rockwell herewith
filed, as an exhibit, and prayed to be taken as a part
of this bill - That were your complainant to
proceed to get judgment and execution on said
account against said Rockwell, it would avail
nothing, there being no property on which it could be
levied - That the only property ~~which~~ that
the said Rockwell is entitled to is an equitable
interest in three tracts of land lying in Southampton
County, and a large quantity of personal property, con-
veyed by the said J R Rockwell, by deed of trust
bearing date the 6th of November 1860, and duly recorded
in the Clerk's office of the County Court of Southamp-
ton County, to John J Kindred Trustee, to secure
Richard Lewis Bygones as surety for said Rockwell,
and to secure various other debts, all of which will more
fully appear by reference to a copy of said deed of trust
herewith filed marked "A" and prayed to be taken
as a part of this bill - Your complainant
desires the aid of this honorable Court in enforcing
the sale of this said property, and after satisfying the debts

secured in the aforesaid deed of trust; that the balance, if any, may
be applied to the payment of your complainant's aforesaid debt - In
under consideration of the premises, and in as much as your com-
plainant is without remedy save in this honorable court, where
matters of this kind are peculiarly cognizable and removable
to it and therefore this justice may be done, it is prayed
that if H. Rockelle, John J. Kindred, Robert S. Barnes, Correll
& Ferguson, James J. Darden, George C. Pope, Samuel A. Darden
John H. Dwyer, Everett T. Hill, Sarah Ford, James T. Hill, Samuel
Kells, Lucy W. Kindred, Benjamin B. Kindred, Margaret P.
Barnett, Beaton & Harrison, James M. Corbitt & Co., A. Williams,
Murphy & Darden, Joseph Harrell, King & Toy, Ricks & Linslain
H. W. Wiegman, Peckles & Taylor, Richard J. Darden, Richard
H. Blythe, and W. H. Briggs, may be made parties defendant
in this bill and answer the allegations thereof, that your
honor will decree a sale of the land and other property con-
veyed by said deed of trust, and out of proceeds of sale, after
the payment of the debts provided for in said deed of trust,
that the balance if any may be applied to the payment of
your complainant's aforesaid debt of \$73.31 cents with
legal interest thereon from the 1st of January 1861 -

That all proper accounts may be taken, and that
your honor will grant such other and
general relief as a justice may dictate in the
nature of the case may require, and as in debt
bound your complainant will ever pray &c

Perilous J. G.

J. R. Rochelle Esq.

1860 In acc with James R. Ricks

April 23^d To Bill Mackenel Rend

\$21.45

June 1 " " " "

28.49

" 7 " " Guano "

20.74

Interest to date

2.63

\$73.31

Worfolk Jan 1st 1861

"B" (copy)

Rockelle

to } D. Trust

Bryant & Trustee

This Deed made this sixth day of November in the year one thousand eight hundred and fifty between Jno. R. Rochelle of the first part and Jno. A. Kindred of the second part Witnesses, that the said Rochelle doth grant and convey to the said Kindred the following property, to wit, all that tract or parcel of land on which the said Rochelle now resides, containing one hundred and sixty five acres more or less, lately purchased by him of Casswell & Ferguson, also the entire interest of the said Rochelle in the tract of land on which John Newton now resides, which said interest was granted and conveyed to said Rochelle by Thomas Dignum and wife by deed of record in this (Southampton) County - also the entire interest of said Rochelle in a tract of land lying at or near the "Piney Grove" which said interest was lately purchased of one Samuel Darden by the said Rochelle & others. also three horses, to wit One sorrell horse, one sorrell mare and one bay mare and their increase. Stock of all kinds, hogs, cattle, sheep and their increase respectively - one yoke or pair of oxen. Crops of all kinds, corn, fodder, peas, potatoes sowed or unsowed - two carts and wheels - farming implements and utensils of all kinds - riding vehicles, to wit, one Rockaway and one Sulkey together with the harness for each - household and kitchen furniture of all kinds, to wit, tables, chairs, breakfast, wardrobe, desk, three beds, bedsprings and bedding therewith - Crockery, ware of all kinds, knives and forks and all other household and kitchen furniture and utensils not specially mentioned. One gold-leaf watch and chain - also all the claims of every kind which may be now due and owing to the said Rochelle, either by bond, note, account or otherwise. In trust to secure the following securities and debts, to wit, to secure and save from all loss Richard Lewis Bryant as security for said Rochelle in the debts which the said Rochelle owes to Robt. J. Barnes Guardian of Casswell & Ferguson, James J. Darden Executor of Wm. F. Britt, George C. Pope and in all cases in which he may be security as aforesaid amounting to about one thousand dollars - also to save from all loss as security Samuel A. Darden, Seth H. Bishop and Everett F. Hill in all instances in which they may be bound for the said Rochelle to Robert J. Barnes, Sarah Ford, James F. Hill and in all other cases - also to secure Richard Lewis Bryant the payment of a debt due by bond executed by me to him this day for a debt assumed by him this day for one hundred and twenty five dollars - the foregoing liabilities to be discharged in the first place and before all others.

And to secure in the second place, the following debts to wit, due by the said Rochelle - one bond to Samuel Kello for about one hundred and fifty dollars - one bond due Lucy W. Kindred for about three hundred and fifty dollars - one bond due Benjamin B. Kindred for about ninety dollars. One account to Margaret J. Barrett for about two hundred

dollars. account to Boutwell & Harrison for about fifty dollars. account to James M Corbitt & Co for about fifty dollars. account to A Williams for about twenty dollars. account to Alford & Darden for about twenty dollars. account to Joseph Harrell for about fifty dollars. account to King & Joy for about fifty dollars. account to Rich & Sinclair for about twenty five dollars. account to H. V. Kimmey for about fifty dollars. account to Duller & Taylor for about twenty five dollars. account to Richard J Darden for about twenty dollars (or note). account to Richard H. Blythe for about twenty dollars. account to Wm W. Briggs for about thirty dollars. That it is expressly agreed and stipulated that the said Rockelle shall retain undisturbed possession and use of the tract or parcel of land upon which he now resides for the period of five years from this date. and it is with this understanding that the said Rockelle makes this deed, and further that those persons herein mentioned who are unwilling to abide by said provision shall have no benefit from this deed. And in the event of a sale of the property herein granted and conveyed the said trustee is to receive five per centum for his trouble &c.

Witness the following signatures & Seals this sixth day of November A.D. 1860.

J R Rockelle (Seal)

Southampton County In the Clerks Office November 6. 1860
This Deed of trust was acknowledged by John R Rockelle a party thereto, and admitted to record.

Teste

L R Edwards Clk

Attest

Teste

L R Edwards Clk

Ricks

& { Sumr Chy

Rockelle &

1861 April Rules.

Piston p.p.

Executed by delivering
copies here of to Tho D.
Joy of the firm of King
& Joy and Arthur Sinclair
late of the firm of
Ricks & Sinclair on the
23rd day of March 1861

J. Cunningham

Deputy
Norfolk for Tho D. Casner
Secy

The Commonwealth of Virginia,

TO THE ~~SHERIFF OF SOUTHAMPTON COUNTY~~—GREETING:

WE COMMAND YOU TO SUMMON

King & Jay, Ricks & Sinclair

to appear at the Clerk's office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *April next*, to answer a bill in chancery exhibited against *them both* in our said Court by *James R Ricks*

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *20* day of *March* 1861, in the *85th* year of the Commonwealth.

L R Edwards

Ricks

2 1/2 Sum. Chy.

Rochelle &

1861 April Rules

Executed March 22.

1861 By Deliberating

Copy here of to -

H. V. Meemeyer

W. B. Matthews, Supt

Dorchester

The Commonwealth of Virginia,

TO THE ~~SHERIFF OF SOUTHAMPTON COUNTY~~—GREETING:

WE COMMAND YOU TO SUMMON

H. V. Niemeyer

to appear at the Clerk's office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *April next*, to answer a bill in chancery exhibited against *him & others* in our said Court by *James R. Ricks*.

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *20th* day of *March*, 186*1*, in the *85th* year of the Commonwealth.

L. R. Edwards

Executed the within Summons on the 28th March 1861, on Jno
 R. Rochelle, Richard L. Bryant, Robert S. Barnes, James J.
 Darden, exr of W^m J. Britt, George C. Pope, Saml. A. Darden
 Conrad S. Hill, James S. Hill, Lucy W. Kindred, Benja. B.
 Kindred, Beaton, Harrison, James M. Corbin & Co. Joseph
 Hamell, Richard J. Darden, Richard H. Polych, and Wm
 W. Briggs, by Delivering each a copy of the same, and on
 the 29th of March 1861, on Seth H. Bishop, Saml.
 Kells, Margaret S. Barnett, Muriel J. Darden by
 Delivering each a copy of the same
 H. C. Ferguson, Sarah Ford,
 King, Fay, Hicks & Sinclair,
 H. V. Kismeyer, & Peckles & Jayton
 are not residents of my County &
 John J. Kindred not found.

C. W. Vicks
 Shbb

Rochelle

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The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING.

WE COMMAND YOU TO SUMMON

*John A. Rochelle John J. Knidred Richard L. Bryant
Robert J. Barnes, Leaswell, Le Ferguson James J. Darden Exon of Wm. T. Britt. George C.
Pope, Saml. A. Darden, John A. Bishop, Everett J. Hill, Sarah Ford, James B. Hill,
Samuel Kello, Lucy W. Knidred, Benj. B. Knidred, Margaret P. Barrett, Beaton & Harrison
James M. Corbitt, H. A. Murfee & Darden, Joseph Harrill, King & Fay, Ricks & Sinclair, H. T.
Kimmeyer, Publes & Taylor, Richard J. Darden, Richard H. Blythe, Wm. W. Briggs*

to appear at the Clerk's office of our Circuit Court of Southampton County, at the Rules to be holden for
the said Court, on the first Monday in *April next*, to answer a bill in chancery
exhibited against *them* in our said Court by *James R. Ricks*

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court
House, this *20th* day of *March* 1861, in the *85* year of the
Commonwealth.

L R Edwards

Service of the within summons is ac-
knowledge'd by me this 28th March 1861

Jno I Remond
Trustee for R. No. 10 Chellie St

Ricks

to { Sund. Chy.

Rockwell

1861 April Rules

The Commonwealth of Virginia To the Sheriff of Southampton County Greeting.
We command you to summon John I. Kindred

to appear at the Clerk's Office of our Circuit Court of Southampton County at the Rules to be
holden for the said County on the first Monday in April next to answer a bill in
Chancery exhibited against him & others in our said Court by James R. Hicks

And have them serve this writ. Witness Luitton R. Edwards Clerk of our said Court at
the Courthouse this 21st day of March 1861 in the 85 year of the Com.
monwealth

L. R. Edwards

Ricks

& { Sum. Chy.

Rockelle V^o

1861 April Rules

Executed March 25th
1861 By delivering a
copy of the within
Sum in chy to Peck's
& Taylor's

R. C. Dorman D.D.
J. H. Patterson Esq

C.P.

Petersburg

The Commonwealth of Virginia:

Sergeant of the City of Petersburg
To the Sheriff of Southampton County. Greeting

We Command you to Summon Pables & Taylor

to appear at the Clerk's Office of our Circuit Court of Southampton County
at the Rules to be held for the said Court on the first Monday in
April next, to answer a bill in chancery exhibited against
them ^{& others} in our said Court by, James R. Hicks

and have them show this writ. Witness William R. Edwards Clerk
of our said Court, at the Court house this 20 day of March 1861
in the 85th year of the Commonwealth.

W. R. Edwards Clk

Ricks

~ { Stat. Rules

Rochelle Jr

In Southampton Circuit Court.

James R. Ricks

against

J. R. Rochelle, John I. Kindred, Robert S. Barnes, Caswell C. Ferguson, James J. Darden,
George C. Pope, Saml. A. Darden, John H. Bishop, Everett F. Hill, Sarah Ford, James
J. Hill, Samuel Kello, Lucy W. Kindred, Benjamin B. Kindred, Margaret P. Barrett,
Beaton Harrison, James M. Corlitt & Co., A. Williams, Morse & Darden, Joseph Harrell,
King & Joy, Ricks & Sinclair, H. V. Niemeyer, Peck & Taylor, Richard J. Darden, Richard M.
Blythe & W. W. Briggs.

1861. March 20: Summons issued

" Apr. R. Summ: returned Ex: on all defendants except C. C. Ferguson & S. Ford
they not residents. Bill filed. A. Nisi to the Deft: except the Deft: C. C. Ferguson & S.
Ford.

" Apr. R. (last term) Bill taken for confessed as to all the Defts. except C. C. Ferguson & S. Ford &
cause set for hearing P.

1869. May - Dismissed