

1877-030

Chancery Papers: Tyler, by & c vs Rochelle

Southampton County

11/1877

other surnames: Shands

568

14

Sylvia

or 3

Rochelle



*Bill, answer, and
claim*

1866 Sep. Decease as filed

*1877 Nov. Removed from
the docket -*

*Received by Clerk Circuit
Court Aug. 13th 1873*

To the worshipful County Court of Southampton
in chancery sitting

Humbly complaining your oratrix
Martha R Tyler a finee court who sues by
Wm B Shandas her next friend sheweth unto
your worshipps, that she and her brother
James B Rockwell are entitled to a small
piece or tract of land lying in Southampton
County on Flaggys run adjoining the lands
of B. D. Woods estate and others and
containing about seventeen acres, she states
further that this land is now held by L. K.
Edwards as trustee for herself and brother and
that she is entitled to one third and her
brother to the other two thirds, she states
that this tract has a small tenement
house on it now but that it is fast going
to decay and they are unable to repair it
she believes that this land if sold now
would bring a good price, but if it remains
as it is the house must soon decay and
the place will then suit for nothing and
be valuable to her and brother

On tender consideration of the above and inasmuch
as your oratrix is without remedy except in a court
of equity where such matters are peculiarly
cognizable she therefore prays that James B
Rockwell may be made a party defendant
to this bill and compel him as full and
just answer to the allegations
therein contained as if he had been summoned
more fully and specially interrogated, and that

The court would deem a sale of the said tract of land on such terms as to it may seem right and a division of the purchase money according to the rights of the parties and that the court would grant such other and general relief the premises considered as equity may dictate and the nature of the case may require and as in duty bound your orator will ever pray
Shamus J. J.

Answer of James H. Rochelle to the above bill in chancery

This defendant for answer to the said bill or as much thereof as he is advised it is material for him to answer, answering says that he admits the allegations of the bill and desires that the land should be sold and the money divided, and having fully answered prays leave to be dismissed with his costs
Shamus J. J.

Tyler by me
vs J. Decm
Rochelle

By consent of parties this day this cause came on to be heard on the bill, answer, and general replication thereto, and was argued by counsel on the consideration whereof the court doth adjudge order and decree that Gittleton R. Edwards who is Comy appointed for that purpose a special commissioner shall sell either at public auction or privately, ~~or~~ for cash or on credit, as either shall appear most advisable the tract of land lying on Flaggys run containing about seventeen acres belonging to James Rochelle's estate and after defraying the costs of this suit and the sale pay one one third of the purchase money to Martha R. Tyler and the other two thirds to James H. Rochelle. The said ^{commissioner} is directed to make the purchase a deed after the payment of all the purchase money and report his proceedings to court in order to a further decree, But the commissioner shall not proceed to act under this decree until he shall have executed a bond before the clerk of this court with sufficient security in the sum of two hundred dollars for a faithful performance of this decree