

1881-17

Southampton County Chancery

Rollings, Mary L. vs Rollings, Atticus H. L. et al

To sell one farm, money arising
to repair houses on other farm

Rollings, H. L.
Rollings, Martha

Rollings Martha A.
minors

To the Honorable George Blow judge of
the Circuit Court of Southampton County
in chancery sitting

Man I Rollings
Humbly complaining your Orator
guardian of Allice & L Rollings and Martin
A Rollings, sheweth unto your Honor that
in the year 1874 ^{her} husband John H
Rollings died ^{intestate} leaving her and her two
infant children Allice and Martin
Rollings both of whom are under fourteen
years of age his distributee and heirs at
law, that all the personal ^{estate} of her
husband which was very small has
been consumed in the support of the
family, and that all the estate now
owned by the children is two small
tracts of land in Southampton County
one containing 14.5 acres appraised at
\$1.75 - and the other containing 130 acres
valued at \$260 in both of which your
orator is entitled to dower but which
has not as yet been allotted to her

Your Orator states further that
these children in the event of the death
of either under age would inherit one
from the other and should both die
she would be their heir at law
should they die without issue

Your Orator states further that
her husband died somewhat in debt
leaving her and these two small
children as yet too young to labor to be
supported out of this land worth some

\$900, and that but for the kindness and benevolence of her father A. Williams with whom she is living and who aids in supporting her and her children she would be wholly unable to support them and herself, that all the money she receives is \$100 a year rent for the tract of land valued at \$575; she states further that the other tract containing 130 acres is of but little value to her and the children and she asks the court to direct the sale of the 130 acre tract and the money applied first to the repairs of the house on the 145-acre tract and if any money be left that the same be applied to the support of her children she being willing to sell her down in the same land for the same purpose.

Your Orator further states that the 145-acre farm is really a valuable little place and if the house were just in a habitable condition (it having fallen to decay since her husband's death) she could go there with her children to live, support them and herself, and be no longer dependent on the kindness of her father for a support.

Your orator states further that the tract of 130 acres has no house on it, ~~is now growing up in weeds~~, is rented out but once in two years and then for \$18 a year and that most

of it is growing up in weeds.

In tender consideration whereof and inasmuch as your Orator is without remedy at law and only entitled to relief in a court of equity where such matters are peculiarly cognizable, she therefore prays that the two infant children Allen & L Rollings and Martha C Rollings both under fourteen years old by some fit and proper person their guardians ad litem appointed for that purpose may be made parties defendant to this bill and that the court would compel them as full and perfect answer make to the allegations therein contained as if they had been themselves personally and specially interrogated and that the court would direct a sale of the 130 acre tract of land and the money arising from the sale be applied to the repair of the house on the other farm, and if there should be a surplus that the same be applied to the support of the said infants and that the court would grant such other and general relief the premises considered as equity may dictate and the nature of her case may require and as in duty bound your orator will ever pray she and pr.

Signed

Mary J Rollings as
guardian for Martha A Rollings & Allen
H L Rollings

Southampton County to wit

This day Martha J Rollings

personally appeared before me a
James R Tyler, a Commissioner in Chancery
and made oath that the facts set
forth in the above bill are true to the
best of his knowledge and belief given
under my hand this 1st day of October 1879

James R Tyler
Comr. in Chancery

1879 October 1st

Rollings
vs
Rollings

107-

The Deposition of E. J. Gardner?

a competent witness taken in the
 Town of Jerusalem, at the City of N. H. B. stands
 in presence of A. H. Williams, Guardian
 ad litem of Atlicus B. Rollings
 and Martha A. Rollings two infants
 under fourteen years old to be
 made as evidence in the case of
 Rollings vs Rollings in regard to the
 sale of the infant lands

The said E. J. Gardner being duly sworn on the
 Holy Evangelists of Almighty God deposes and
 saith as follows;

Are you acquainted with the tract of 130 acres
 of Land belonging to the Estate of John B.
 Rollings dec'd. & what do you suppose is the
 value thereof & would it be to the interest of
 the Infant Children to sell the same, and
 if so give your reasons for so thinking.
 I am acquainted with the 130 acre tract of Land
 belonging to the Estate of John B. Rollings dec'd.
 it is rented out now in two years for \$18
 per year, as the Land now is, it is almost
 worthless to the Estate, is now growing up
 in woods, and is worth probably about \$300—
 This piece of Land and another tract of
 about 145 acres is all the Estate the Infants
 have. I think the interest of the Children
 would be decidedly promoted by the sale of this
 Land for the following reasons. The houses on
 the other tract of Land are going to
 decay and need repairs, and a sale of this

No 2

130 acre tract is necessary to raise the money. The Children are now being supported by their Grandfather A. W. Williams, and some money is necessary to be raised for their support, and I think by placing the houses on the 145 acre tract in good repair, which are now out of repair, Mrs. Rollings can move home again and support herself and Children without calling on her Grandfather for aid, & I think it is necessary to raise some money for the support of the Children, & it can only be raised in this way by a sale of Land as there is no other property. And further this deponent suggests that.

Signed

Enf. Gardner

The Deposition of Samuel J. Rollings taken in the presence of A. W. Williams Guardian in addition of Attorneys H. L. Rollings and Harriet A. Rollings two Infants under fourteen years of age to be read as evidence in the case of Rollings vs Rollings in regard to the sale of the Infants Land. The said Samuel J. Rollings being duly sworn on the Holy Evangelists of Almighty God, deponent and oath as follows; I think it would be clearly to the interest of the Infants to sell this tract of 130 acres of Land, it being of no value to them

Rollings

Depositions handed
in by *Commissarius*
Tyler, October 7th 1879.

1879

Oct

~~Rollings~~
Tyler

as it is, ^{and} in a few more years it will be
 worthless, and I su^m other way of supporting
 the children and repairing the house on
 the tract of 145 acres of land. Mr. Rollings
 is now living with her father he supporting
 her and the children, and by a sale of this
 Land Mr. Rollings and the children would
 have a comfortable home and Mr. Will-
 iams her father would be relieved of
 their support. And further this Dependent
 Sixth Act.

Signed S J Rollings

W^m H. Pittman being duly sworn also in
 the presence of A. W. Williams the guardian
 ad litem of William H. J. Rollings and Martha
 at Rollings dependent and sixth as follows;

I think the interest of the children would
 be promoted by a sale of this 130 acre
 tract of land. I Concur fully with Mr.
 Samuel J. Rollings in his statement in
 regard to the sale of this land.

And further this dependent sixth act.

Signed W. H. Pittman

State of Virginia: County of Southampton, to wit:

I James R. Tyler, One of the Commissioners in Chancery
 of the Circuit Court of Southampton County, do hereby Certify
 that the foregoing Depositions were duly sworn to and
 Subscribed before me at the time and place mentioned
 therein. Given under my hand this 11th Day of October
 A. D. 1879.

James R. Tyler
 Commissioner

Com's fee for taking Depositions
 \$5.00 Charged to Plaintiffs

Rollings
in 3
Rollings

Arrival of infants
A. & M. Rollings by
grace and lit

1879 Oct R. S.

The answer of Arthur H. L. Rollings and
Martha A. Rollings two infants by
A. W. Williams — Their guardian ad
litem to a bill in chancery by Martha
& Rollings as Thems

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 he thinks the interests
of the wards would be promoted by the
sale of the lance asked for in the
bill but he submits the interests of
his wards to the care of this court
whose peculiar duty it is to protect
the rights of infants and having
fully answered prays hence to be
dismissed with his costs

signed
A. W. Williams guardian
ad litem for infants
Martha & Rollings

Northampton County to wit

This day A. W. Williams guardian
personally appeared before me James R. Taylor
a Commissioner in Chancery at A. W. Williams
and made oath that the facts set forth
in the above answer are true to the best
of his knowledge and belief given under
my hand This 11th day of October 1879

James R. Taylor
Commissioner in Chancery

Executed by delivering a Copy of
this Summons to Atticus & Maria J
Rollings on the 1st day of September
1879

A H Cobb Dy
for W W Pegg staff

Received
in
Presence of
Witness

1879 Oct. Nuts

The Commonwealth of Virginia.

To the Sheriff of Southampton County: Greeting.

We command you to summon Atticus Rollings & Martha J
Rollings two Infants

to appear at the Clerks Office of our Circuit Court for South-
ampton County, at the Rules to be holden for the said Court on the first
Monday, on October next to answer, a Bill in
chancery Exhibited against them in our said Court
by Mary J. Rollings Guardian to Atticus Rollings
and Martha Rollings.

and have then there this Writ: Witness, Littleton R. Edwards, Clerk of
our said Court, at the Court House this 27th day of August 1877
in the 114th year of the Commonwealth. L.R. Edwards Clk

Rollings
vs 3 Deene
Rollings

This day This cause came
on to be heard on the
plaintiffs bill answer of
The two infant defendants

Atties. H. L. Rollings and Martha A. Rollings by
A. W. Williams This grand jury ad litem gives
application Thinks and deposition files and
was argued by counsel On consideration whereof
The court doth adjudge order and decree
that A. W. Williams who is hereby appointed
special commissioner for that purpose shall
sell the tract of land in the two enations
~~including the widows part of~~ ^{part of} ~~down~~
containing 130 acres either privately or at
public auction as may seem best to him
for one half cash and balance in twelve
months taking from the purchase a bond
carrying interest from the day of sale
and after paying the costs of this suit
pay the purchase money over to the
guardian of the two infants to wit
Mary J. Rollings who shall apply the
same first to the repairs of the houses on
the other tract of land owned by the
said infants of 145 acres and the
residue of it to be applied equally to the
support of A. H. L. Rollings and M. A. Rollings
but the said commissioner A. W. Williams shall
not proceed to act under this decree until
he shall execute in the clerk's office of
this court for the faithful performance of
this decree a bond in the penalty of \$500
with good security, nor shall he pay over
the said money on any part thereof to

The guardian Mary J. Rollings and she
 shall execute a further bond in the
 penalty of ~~\$500~~ ^{with good security} as guardian to the
 two infants above named in the county
 court of Southampton and report their
 proceedings to this court in order to a
 further decree and the said commission
 will retain the title to the land until all
 the purchase money shall be paid

Rollings
 vs 3 Deane
 Rollings

To be entered
 Nov Term 1878

Geo. B. B.