1881-025 SOUTHAMPTON COUNTY CHANCERY PAPERS

TYLER, By Friend vs. ROCHELLE et al.
ROCHELLE et al vs. and SIMMONS etc. 11/1881

See also: Tyler + Wife v Rochelle's Exrs 1849-004
Tyler, By Friend v Rochelle et al 1852-010
Smith v Rochelle's Exrs 1857-011
etc.

other surnames: Edwards, Gurley, Sebrell, Crump, Armstrong, Smith, Hines

TYLER VS ROCHELLE

and

ROCHELLE VS SHANDS

&c. 1881. NOV. 3

REMOVED FROM DOCKET.

Ryder

vs.

Rochelle

&

Rochelle

vs.

Shanesville

1881 Nov 7 Removed
from Docket

9-

Tyler

vs } Stat. Rules

Rochelle &c

Martha F. B. Tyler who sues by her next friend Samuel B Hines

against

Martha B Rochelle in her own right and as executrix of James Rochelle dec'd Littleton R Edwards. John M Gurley. William I Sebrell deputy Sheriff of Southampton. William B. Shands. Sarah Armstrong. Henning T. Smith. Richard A. Crump. John Tyler Jr. James R Tyler. Letitia Tyler. Mattie Tyler. John W Rochelle and James H. Rochelle

1849 Nov. 9. Bill filed & Injon: awarded &c

" " 12 Bond & security given - Subpa. & Injon: issued -

1850 Jany Rules. Subpa & Injon: returned executed on L R. Edwards. Wm I. Sebrell. Wm B. Shands. Sarah Armstrong. Martha B. Rochelle John M. Gurley. Jno W. Rochelle. H. T. Smith. Jas R. Tyler. Letitia Tyler & Mattie Tyler. Rich.d A. Crump - Jas H. Rochelle & John Tyler jr. no inhabitants

" March Rules - Cause set for hearing as to Defts: Martha B Rochelle in her own right and as exix: of James Rochelle dec'd L R. Edwards. Jno M. Gurley. Wm. I. Sebrell. Wm B Shands. Sarah Armstrong. Henning T. Smith. Richard A Crump. & John W Rochelle -

1850. May 7. Answ.r of Dft. Edwards Gen: Rep. & Cert.d

" June R. Order publication vs Dfts: John Tyler & Jas H Rochelle

" Oct. " Alex. Myrick appointed guardian ad litem to infant Defts - Answer of infants. Gen: Rep:

" Nov. " Set for hearing as to infants -

" " 7 Amended answer of Dft. Edwards & decree &c.

1851 May 7. Decree in favour of L R Edwards & c. - Report

" May " Confirmed

" Nov " Final decree

1855 Nov. " L R. Edwards pub. Trustee in room W. B. Shands.

1859 Nov Report.

1868 Nov. May " W. B. Shands sub. as trustee in room of L R Edwards resigned. Decree for settlement of L R Edwards acct as trustee. &c

1868 Mar. 3. Rept.

" May. Decree in favor of Edwards

1874 Nov Removed from the Docket -

1869 Nov ~~Reford~~

1879 Nov - Reinstated on Docket

Tyler &c

vs } Bill

Rochelle &c

1819 Nov. 9. Subs & Injn awarded

To the Hon^ble Richard H Baker judge of the circuit superior court of law and chancery for the county of Southampton.

Humbly complaining, sheweth unto your honor, your complainant, Martha B. B. Tyler, who sues by her next friend, Samuel B Goines, all of the said county of Southampton, That, on the 17^th day of August 1835, James Rochelle, after having duly made his last will, departed this life, possessed of considerable estate real and personal, and leaving surviving him, Martha B Rochelle, his wife, and your complainant, and one John R Rochelle, and James H Rochelle, his only children; and no grand children.

That, by his said will, he set apart certain lands for the payment of his debts, and, after their payment, "lent unto the said Martha B Rochelle, all the rest "and residue of his estate during her life, or "widowhood, for the maintenance of herself and "children; requesting her to give them the best "education his estate would afford". Your complainant herewith exhibits a certified copy of the said will, marked A, and prays that it may be taken as a part of this bill.

And your complainant avers that the residue ~~of the estate~~ of the estate, after paying all the testators debts, was worth, she believes, and charges, as much as thirty thousand dollars, and that the proceeds of the estate, if prudence had been observed in its management, and, in the disbursements would have been ample, for the comfortable support of the family, and the education of the children, of the testator, in the handsomest manner.

But your complainant represents that the estate has been most injudiciously managed, and that, not

only its profits, but a large portion of its principal, have been expended, over, and above, what was necessary for the payment of the testators debts; so that his bounty has been, in a great degree, disappointed; that the said Martha B Rochelle has lately done certain acts, which, unless annulled, will result in totally disappointing the dispositions of the testator, in favour of your complainant.

And your complainant represents that the debts, as she is informed, and believes, of the testator, have, long since, been paid, out of his effects. And she represents that lately, to pay debts, which she owes to those persons, the said Martha B Rochelle has conveyed to one Littleton R Edwards, and John H Gunby, the following tracts of land, of the estate of the said James Rochelle dec^d, [and different lands, from those, which, by the said will, the said Martha was empowered to sell to pay debts: all of which was very well known to them;] Viz: to the said Edwards, on the 16^th day of October 1849, a certain lot, lying near Jerusalem, in the county of Southampton, supposed to contain three acres, for the price of $30, to pay him a debt, due him by her, individually, the said John H Rochelle uniting with her in the conveyance. And, on the 20^th of October, which she disclosed as part of the estate of her late husband in addition to conveyed to him all her right, title, and interest in the real estate of the said James Rochelle dec^d. for $500, to pay a debt due from her, individually, to him: which will more fully appear from the deeds, which are herewith filed, marked B. & C. and prayed to be taken as a part of this bill.

And on the day of 1849 she conveyed to the said Gunby, the said John H Rochelle uniting in the Deed, the following pieces of land, Viz: a lot situate at the south end of Jerusalem, supposed to contain nearly two acres, and another tract known as a part of the Andrewsa tract, and supposed to contain 50 acres, and another, situate on the Blackwater road, in Southampton, and containing 16 3/4 acres, for $400 to pay a debt due from her to him individually to him. All of which will more fully appear from the Deed of conveyance, herewith filed, Marked D, and prayed to be taken, as a part of this bill. All of which land, save the lot in Jerusalem, of two acres, your complainant is informed, is still in the possession of the said M. B. Rochelle, and that it has been taken possession of by the said purchaser, Gunby.

And your complainant is informed, and charges, that, on the day of she the said Martha B Rochelle gave, to the said Gunby, a bill of sale, for the following slaves, viz: Tazwell, Charles Cobb, and Nancy, to secure the repayment of money, borrowed, by her, of him; and which was given, so far as your complainant is informed applied, by her, to the payment of any debts, due by her testator; and most, if not all, of which, your complainant charges, the said Gunby knew was for her own purposes, and not those of the estate.

And she charges that he well knew those slaves were of the estate of the said James Rochelle dec^d, that he never had possession of them, that Tazwell has been sold by the said Martha B Rochelle, and Nancy has had two children. all the said slaves, your complainant is informed, amount, in value, to about $1250.

And your complainant further represents that, upon a judgement, lately obtained by the said L.R. Edwards, against the said Martha B Rochelle, for a debt due by her, individually to him, for $1613. 27/100, and some interest, he has sued out execution and caused it to be levied on the said slaves, Charles Cobb, Nancy, and two children, in the possession of the said Martha B Rochelle.

as well, as various articles of furniture, and certain crops of corn and fodder, and cotton, below which furniture, and crops are &c of the estate of the said James Cochran dec'd, being either of the principal, or of the profits thereof, and the said slaves, and other property, are now in the custody of the deputy sheriff of Southampton, W. J. Sewell, and he will very soon sell them, unless restrained.

And your complainant further represents that the said Martha B Cochran has validly, to wit on the 22nd day of October 1845, conveyed unto one William B Shands, all her right and title, which she describes, as an estate, for life, in the slaves of the estate of the said James Cochran dec'd, Viz: Old Doctor (Charles), old Jim, old Tom Simmons, old Robin, Charles Minton, Charles Cobb, Davy, Beck, Jack, Jimmy & child, Louisa, Fanny and four children Mary, Rosa, Augustus, and Matilda, Nancy and two children Ben and Leonia and Agnes, and the following other property, all of which belongs to the estate of the said James Cochran being either of the principal, or of the profits of the same, Viz: a stock of hogs and cattle, two mules, one carriage and harness, & various farming utensils, in trust to pay certain indebtedness about, [and well known by the said Shands to be] of the said Martha B Cochran, to the following persons, namely, Sarah Armstrong, the said G. K. Edwards, one H. T. Smith, and R. A. Cowper, and the said William B Shands, trustee has advertised that he will sell all the said property, on the 19th day of November next, or before. The said property is of the value of about three thousand dollars. And your complainant exhibits herewith a certified copy of the said deed, Marked E. and prays that the same may be taken as a part of this bill.

Your complainant avers that the said land and slaves, stocks, crops &c &c are all the property now

left of the estate of the said James Rochelle dec'd, and amount, in value, to eight or ten thousand dollars, at the most: the residue of the estate having been squandered.

Your complainant avers she does not know the state of the accounts of the said executrix, she not having rendered legal and regular accounts of her acts as such, But she is informed, and charges, that the debts of the testator are now paid off, and were at the late date of the sales, herein before described. She further alleges that the said executrix is entirely insolvent, that two of the securities, in her bond, as executrix, are insolvent and, she has heard, but does not know it, that the third, to wit: George Blow, has been released by her husband, John Tyler Sr., herein after named, so far as he could release him. She avers that the said Blow takes no interest in the welfare of the estate of the said James Rochelle, and, without waiving her recourse against him, for the devastavit of the same, which, she is advised, it is improper for her to seek, in this suit, she finds herself forced to put her interest in the remnant, still left, and which the executrix has no longer any occasion to hold, as such, and is about to waste, in the manner aforesaid.

And now your complainant is advised that all the said transactions are against equity and prejudicial to her rights, that she has a present interest, in the said property, to wit: A right to support out of its current profits, and a vested remainder, therein, after the death of the said Martha B Rochelle, that she has an integral and certain interest therein, which can be reached by execution, or be disposed of by her; and she charges that, if

con she had, she has long since wasted it, and much more, and all the property aforesaid is not more than the share of your complainant under her father's will, that the same is indispensable to his support, and is in a manner inadequate thereto, and your complainant represents that the said slaves have a peculiar value, in her estimation, which cannot be compensated, in damages, if they are lost.

Your complainant is informed that the said John M Rochelle has sold out all his interest in the estate of James Rochelle dec'd, to the said John M Emby, except the aforesaid property which he has, as aforesaid, conveyed to the said Edwards, and your complainant sows that the said James B Rochelle attained to his majority on the 31st day of October 1847, and has had little benefit from the estate, and no agency in its management, having been, from the age of sixteen, in the Navy of the United States, And your complainant, Martha F. B. Tyler, represents that she is a feme covert, having intermarried with John Tyler Jr of county state, before attaining to her majority, but that he has abandoned her, for several years. and, to protect her rights, she finds it necessary to sue by her friend, and she exhibits herewith a deed, executed by the said John Tyler, Marked F, conveying the interest, in remainder, in the estate of the said James Rochelle, dec'd. to which he was entitled, in right of your complainant, Martha Tyler, to their children, to wit: James B Tyler, Letitia C Tyler, and Mallie Tyler. and prays, it may be taken as a part of this bill.

And she alleges that the said John Tyler is wholly insolvent, that she has nothing, save her interest in the estate of her deceased father that she has three destitute children of very tender years, to raise and educate, and that all the said interest is wholly insufficient thereto: and she represents that she is entirely unable to give any security, for the compliance with the orders of the court, in the progress of the cause.

In Tender consideration whereof, and forasmuch as your complainant is remediless save in this court, your complainant prays that the said Martha B Rochelle, in her own right, and as executrix of James Rochelle deceased, Littleton B Edwards, John M Emby, William H Deane, deputy sheriff of Southampton, William B Thomas, Sarah Ann Simmons, Thomas T Smith, Richard A Bonner, John Tyler Jr, James B Tyler, Letitia C Tyler, Mallie Tyler, John M Rochelle, and James B Rochelle, may be made defendants to this bill, and compelled true answer make to its allegations (the said James B, Letitia C, and Mallie Tyler, who are infants, by a guardian, ad litem, to be appointed them) that the deeds, and the bill of sale aforesaid, may be all annulled, and surrendered, by the persons aforesaid, claiming under them, and all the property, embraced by the same, may be given up to the said Martha B Rochelle so far as she has delivered up possession of the same, and that of the remainder, the purchasers may be restrained from taking possession, or may be given up to the said Martha B Rochelle and that the slaves, Edmund Bob, Nancy and children, may be given up by the said Rebecca to her, or to some receiver to be appointed by the court, and the, the said L. B. Edwards, and all others may be restrained from selling, or interfering with them,

that the said Martha B Rochelle may be required to take and hold all the said property, subject to the trusts of the will of the said James Rochelle deceased. or that some other suitable person may be appointed to take and hold it, That the share of your complainant, in the said estate, may be decreed to her, for separate maintenance, free from all interference and control of her said husband, John Tyler Jr; and that all proper accounts may be ordered to be taken, and that such other and further relief may be granted, as equity and the nature of the case requires, that subpoenas, may issue, directed to, and your complainant will ever pray &c

Jones & Shands P.Q.

Southampton County to wit

This day personally
appeared before me a justice of the peace for
the aforesaid county Samuel B Stevens next friend
of Martha F. B. Tyler one of the complainants
in the above bill 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 and seal this 7th day of Nov 1843

S. A. W. Newsom J.P. Seal

615 98-99

Rochell et al

vs Bill
Exhibits

Shanes

1870 June Decree as filed

1871 Mar. Order for Resale + Injon awarded Pl

To the Honorable Joseph Ingraham Judge of the County Court of Southampton in Chancery sitting

Humbly complaining your orator James H Rochelle, James R Tyler and Martha Tyler show unto your Honor that in the year 1833 James Rochelle of Southampton County also having considerable estate both real and personal and having first duly made his last will and Testament which was duly proved and an exhibits copy of which is herewith file marked A and prayed to be taken as a part of this bill That by the said will he appointed his wife Martha B Rochelle his executrix and after the payment of his debts gave all his estate of every kind to his said wife during her life or widowhood for the maintenance of herself and children, They state further that James Rochelle left three children to wit John H Rochelle Martha who marries John Tyler junior since dead having James R Tyler and Martha Tyler her children and William Shands an infant son of Lydia Tyler her daughter her heirs at law and James H Rochelle, By the 3rd clause of James Rochelle's will he wills that when his son John and daughter Martha shall come into title to some by the death of their brother which one is his possession and had not been allotted to them

shuld they claim them independent of his estate
then his will and claim was that so much mon-
ey of his estate shuld be allotted to his son James
as would make his estate equal to theirs, They
state further that John M Rochelle and John Tyler
in in right of his wife did claim the estate
left them by their half brother and entain
monies now pair them, That in the year 1869
a bill was filed in chancery against Martha
B Rochelle alledging she was committing waste
and asking that she be restained from so doing
and the appointment of a Receiver of the estate
and that in accordance with the prayer of that
bill the estate was taken from her custody
and control entain debts which she had
made was set aside and a receiver appointed
that John M Rochelle sold all his interest in
the said estate to John M Gurley and that the
said John M Gurley sold the said interest to
one of your orators James B C Rochelle
That the estate remains in the hands of a re-
ceiver from that time up to the death of
Martha B Rochelle which occurred in March
1870 Your orator states that now according to
the said will James B C Rochelle owns
two thirds and Sarah K Tyler Martha Tyler and
William Shands own the remaing third
subject to the claim of James B C Rochelle
for the amount which John M Rochelle and
John Gyler as wife receive from the estate
from their half brother

Your orator shew further to your Honor
that there is now a debt due and owing from
the estate to Littleton R Edwards former receiver
of $1.2.8165 with interest on $7.54.40cts from 1st
Dec 1867 which they are anxious and desirous
should be paid off and for that purpose
as there is no estate of consequence except
real estate they desire to sell 448 acres of
land which they have been offered a good
price and pay off this debt and distribute
the residue of the purchase money according
to the rights of the parties and as a division
cannot be made in kind they ask a sale
for division stating further that the share
of the infant William Shands in the
said land is not worth three hundred
dollars

In Tender consideration whereof and
inasmuch as your orators are without relief
at law and only entitled to relief in a court
of equity where such matters are peculiarly
cognizable they therefore pray that William
Shands an infant by some fit and proper
person may be made a party defendant to
this bill and compelled him as full and perfect

answer made to the allegation therein contained as if he had been thereto more fully and specially interrogated and that the court would decree a sale of the said 248 acres of land the payment of the said debt of $1032.81cts and interest due L. R. Edwards and the distribution of the residue of the purchase money according to the rights of the parties and grant such other and general relief in premises consistent as equity may dictate and the nature of this case may require and as in duty bound your orators will ever pray &c

Thomas J. G.

675 Eq 8-99

Pocahontas

vs Bill & exhibit

Chavis

1870 June Bill as filed

1871 Mar. Order for Pendente Lite Injunction awarded

Taylor

vs } Attys. I.R. Edwards

Rochelles Ex Ofo

1850 May 4th

To the Hon: Richard H Baker Judge of the Circuit Superior Court of Law and Chancery for the County of Southampton—

The answer of L R Edwards to a bill of complaint exhibited against him and others in this Court by Martha F B Tyler—

This respondent saving &c for answer to so much of the said bill as he is advised it is material he should answer says— that he admits he recovered the judgment against Martha B Rochelle, issued the execution, and caused it to be levied on the Slaves and other property as charged in the bill— That this property was found in the possession of Martha B Rochelle and from the manner in which she had acted towards— and uses she was making of property similarly, was justified in the course which he pursued— He does not know what interest Martha B Rochelle has in the property, but if the Court should be of opinion that under the Will of James Rochelle, she is entitled to a life interest in the Slaves— then he is advised, the property should be sold for his benefit—

This defendant further answering admits, that the debts for which he sued out execution and with which he paid for the property assigned by her to him, were the individual debts of the said Martha B Rochelle and not the debts of the late James Rochelle but ~~they were~~ they were contracted as well for the benefit of her children as her own.—

There are many allegations in the bill which do not effect the interest of this defendant, and which he is not bound to answer.— That having answered all that it is material he should— He prays the Court to dissolve the injunction awarded by this Court on the day of November 1849. and permit him to recover his debt ~~from~~ from Martha B Rochelle—

L. R. Edwards

Southampton County to wit

This day Pulleton R Edwards personally appeared before me and made oath that the foregoing answer contains the truth to the best of his knowledge and belief. Given under my hand this 6th day of May 1850.

G A W Saunders J P

Tyler

To } Ans: of Dft Edwards

Rochelle Dft

1850 Nov. 8.

To the Hon: judge of the Cir. Court of Southampton

The amended answer of L. R. Edwards to a bill of complaint, exhibited against him and others in this Court, by Martha F. B. Tyler.

This respondent, saving &c, for further answer to the said Bill, says that he omitted by inadvertence to answer an allegation in the Bill to the effect that all the debts of the late James Rochelle dec'd were paid off.

And your respondent, now answering further, denies that allegation and affirms that he is the creditor of the said James Rochelle dec'd, by judgment, for $1969.20, with interest from the 31st of Jan 1838. & costs which is different from the judgment, mentioned in the Bill, and a copy thereof he herewith files, as part hereof, marked A. together with the execution which has been issued thereon, & the return made on it of "no effects".

Your respondent represents that, in consequence of the withdrawal of the property, of the decedent, from the hands of the Executrix, by the order of Court, he has been unable to make the amount of the said judgment; and he prays that he may not be prejudiced thereby but may be allowed to occupy the same position, as if he had levied his Execution; and that the Court will decree that the receiver pay to him, out of the said property the amount of his said judgment; and, having thus answered, he prays to be hence dismissed with his costs.

L R Edwards

Southampton County to wit

Lellaton R Edwards this day made oath before me a Justice of the peace for the County aforesaid that the facts set forth in the above answer are true to the best of his knowledge & belief. Given under my hand this 9th day of November 1850.

G A W Thomson J P

Rochelle salts

= 3 answers to
3 most dependent
by general terms
Chemicals

The answer of William Shands an infant by
Wm B Shands his guardian and litem to a bill
in chancery by James C Rochelle and others

This defendant for answer to the said
bill or so much thereof as he is advised it
is material for him to answer answering
says that he submits the interest of his
ward to the care of this court where justice
and it is to protect the rights of infants
and having fully answered prays hence to
be dismiss with his cost &c

Shands for defdt

Tyler by next friend

U.S. 3/3

Rochelle 40 ls

Answers & exhibits by
guardian ad litem

The joint and separate answer of James R. Tyler, Letitia Tyler and Martha Tyler infants of tender years, by Alexander Myrick their guardian ad litem to the Bill of complaint of Martha F. B. Tyler, by next friend, exhibited against them and others, in the Circuit Court of Southampton.

For answer thereunto, or unto so much thereof as they are advised it is material they should answer, these defendants say that they know nothing of the matters alleged in the Bill, and being infants under the age of twenty one years, they submit their rights to the care of the Court; and, leaving unanswered, they pray to be hence dismissed with their costs &c &c

Alex^r Myrick

Southampton Sct:

Alexander Myrick, whose name is appended to the above answer, made oath before me in the County of Southampton, in which I am a justice that he believes the statements in the ~~above~~ answer to be true.

Given under my hand this 12th day of November 1851.

Jonathan Darden J P

Tyler by next friend

V. S.

Rochelle dals.

Injunction order.

To be entered

R. H. Baker

Nov. Co. '49

1849 Nov Term

Tyler
v.
Rochelle & als.

This day Martha F. B. Tyler, who sues by her next friend, Samuel B. Stines, presented in Court her Bill in chancery, together with the Exhibits therewith filed, and moved for an injunction order, as prayed by the Bill; Upon consideration whereof the Court doth adjudge order and decree, that and it is hereby adjudged, ordered and decreed that the defendant, William B. Shands be restrained from selling the Slaves and other property, in the Bill of Sale, from the plaintiff as an exhibit defendant, Martha B Rochelle, to him entered, that the defendant, W. I. Sirles, Deputy Sheriff of Southampton, be restrained from selling the Slaves and other property by him levied on to & in the possession of the said Martha B Rochelle, to satisfy the Execution issued out by the defendant L. R. Edwards to & against the said Martha B. Rochelle, and deliver up all the said property to the defendant William B. Shands who is hereby appointed a Receiver of this Court to take and hold the same, that the said Martha B. Rochelle deliver up to the said William B. Shands, the several parcels of land, embraced by her Deeds of conveyance to the said defendant L. R. Edwards and L. M. Gurley, with the Bill exhibited, except the lot of Two acres in Jerusalem, which has passed into the possession of the said L. M. Gurley, that the said L. M Gurley be enjoined to hold the said two acre lot, until the further order of Court, and account for the

rents and profits thereof to the Court, that the said I. M. Gentry and the said L. R. Edwards and the said Martha B be restrained from posting with the title to the said lands, that the defendant, William B. Shands, hold all the said stones and other property, now in his possession, under the said Deed of Trust from Martha B. Rochelle to him, for the benefit of Sarah Armstrong and others, the stones and other property to be surrendered to him by defendant, Sabrell, under this order, & the lands, of which he is to be placed in the possession, under this ~~order~~ order, by defendant Martha B. Rochelle, as receiver of this Court, with directions so to manage the said lands stones and other property, as in his discretion may be most judicious and proper, either by cultivating the lands with the stones, or by renting out the lands and hiring out the slaves, and that he render to this Court an account of his acts done under this order.

But the complainant is not to have the benefit of this order, until she, or some one or more persons for her, shall enter into bond, in the Clerks Office of this Court, in the penalty of one hundred dollars, with sufficient security, who shall justify on oath, conditioned to pay and satisfy the defendants their costs, if her injunction should be dissolved.

~~And this cause is reserved to the Rules to be proceeded in according to law.~~

Tyler

vs } Dower.

Rockdale Cº

Enter Kingsbury

-R H Baker

Nov. co 1850

1850 November Term.

Tyler by next friend
vs
Rochelle

This day this cause came on to be heard on the bill, the answer and the amended answer of the defendant Edwards, and the answers of the infant defendants by their guardian ad litem, and the replication to the aforesaid answers, and the report of the receiver Shands, and two months having elapsed since the plaintiff filed his bill and since the service of the subpoena upon the defendants Martha B Rochelle in her own right and as executrix of James Rochelle dec'd, John M Gurley, Wm S Sibell, Wm B Shands, Sarah Armstrong, Henning S. Smith, Richard C Camp, and John W Rochelle and the order requiring the absent defendants John Tyler, and James M. Rochelle to appear on the first day of the present term of this court and answer the bill having been published in a newspaper published in the town of Petersburg once a week for four weeks successively and posted at the front door of the court house of this county and they still failing to appear and file their answers on motion of the plaintiff his bill is taken as confessed as to these defendants, Martha B Rochelle executrix of James Rochelle, and in her own right, John M Gurley, Wm S Sibell, Wm B Shands, Sarah Armstrong, Henning S. Smith, Richard C Camp, John W Rochelle, James M Rochelle and John Tyler and was argued by counsel. On consideration whereof the court approving the report of receiver Shands doth order that he make sale of enough of the said property in his hands to pay the sum of two hundred and seventy six dollars and twelve cents the amount for which he reports the said property to be chargeable for the expenses of its support

over and above its income, and that he make report of his proceedings to the next court and as to all other matters this cause is continued

Tyler
v
Rochelle &c.

Decree to be
Entered
R. H. Baker
May Co. 51.

1851 May Term

Tyler
vs
Rochelle

This cause came on this day to be again heard on the papers formerly read and the report of the receiver to gether with the report of Commissioner Cobb marked No VII touching the outstanding demands against the estate of James Rochelle dec'd returned to and confirmed by this county court of Southampton in the months of April 1831 which account is now filed as an exhibit in this cause by Littleton N Edwards and was argued by counsel on consideration whereof the said report of the receiver not being excepted to is confirmed and the court doth adjudge order and decree after giving at least four weeks notice of the time and place of sale by advertisement at the court house door of the said county and at one or more public places in the county aforesaid, he sell at public auction to the highest bidder on a court day and on a credit of six months taking bonds from the purchasers with sufficient security payable to Littleton N Edwards a part of the slaves in the bill mentioned for a sum or sums sufficient to pay and satisfy his debt or demands against the estate of James Rochelle referred to in his supplemental answer namely $1.339.20 cts with interest from the 31st of December 1833 the date and $5.33 cts costs and report to the court

Ayer
v.
Rochdale } Nov. Term
1857

Decree

To be entered
R. B. Baker
Nov. 10. 57.

1857 Novemb. Term

Tyler &c
v.
Rochelle & als

This day, this cause came on to be further heard, on the papers formerly read and the report of receiver Shands, filed since the last term, to which there is no exception; and was argued by counsel;
on consideration whereof the Court being of opinion that the several deeds of conveyance, of land, from Martha B. Rochelle to L. R. Edwards and John M. Gurley, so far as the same were intended to pass ~~the interest~~ any right, title, or interest, of Martha B. Rochelle; and the bill of sale from Martha B. Rochelle to John M. Gurley, embracing the slaves, Tazewell, Charles Cobb and Nancy; and the deed of trust from the said Martha B. Rochelle to ~~the trust~~ William B. Shands, except as to the slaves Tom (Gray) and Comfort, are illegal; and, [without determining the relative rights of the ~~plaintiffs and the~~ children, under the agreement marked A, exhibited with the Bill, to the remainder in the slaves of James Rochelle, after the expiration of the life term of Martha B. Rochelle] being of opinion that it is proper

proper to set apart for the plaintiff's sep-
arate maintenance, free from the marital
rights of her husband, all her interest in the
property in the hands of receiver, Shands, which
may remain undisposed of; and being
further of opinion that, since the executorial
transactions, of Martha B. Rochelle, under the
will of her husband, James Rochelle, are closed
and she has abused the trusts for which she
holds the property, it is proper the same
should be withdrawn from her hands and
transferred to another trustee;

doth decree, and it is hereby adjudged, ordered
and decreed, with the consent of Mrs. M. B. Rochelle by her counsel that the several deeds of conveyance
of land from Martha B. Rochelle to L. R. Edwards
and John M. Gurley, so far as the same import
a conveyance from herself, ~~et cetera~~ and from
~~cetera~~ and the bill of sale of the slaves, Charles
Cobb and Nancy and Jarrett from Martha B
Rochelle to John M. Gurley and the deed of
Trust from the same Martha B Rochelle to
~~the said~~ William B. Shands, [except as to the
slaves Jane (Gray) and Comfort,] be vacated
and annulled, that the injunction awarded
to restrain the defendant Edwards from pro-
ceeding to sell the property levied on under the
execution sued out by him be made perpet-
ual, and that he be enjoined from levying any
other execution, sued out upon the same judg-
ment, upon the said property.

And the Court doth confirm the report
of receiver, Shands, and doth show that
defendant, Gurley, surrender to him, [who is
hereby appointed trustee instead of Martha B.
Rochelle,] the two pieces of land reported by
receiver, Shands, to be still held by him,
and that the said Shands, receive the same
and hold it, together with the other property,
remaining in his hands and apply the proceeds
thereof for the maintenance of the plaintiff and
John W. Rochelle and James B. Rochelle.

And the Court doth enjoin the defendant,
John Syler, from interfering with the said
property, or its proceeds, or disposing thereof,
as well for the interest of the plaintiff, during
the lifetime of Martha B. Rochelle, as for her
interest, which may still be undisposed of,
in the remainder, and doth decree to her for her
maintenance, separate and apart from her
husband, the said John Syler,

and the Court doth order that the defen-
dants Lilliston R. Edwards & John M. Gurley
~~pay to the plaintiff her costs by her~~
~~said bill expended in this behalf be expended~~
suit, and that the defendants Sarah Armstrong,
Fanning T. Smith and Richard A. Crump
each pay one third of the residue of the
said costs.

Tyler
vs 3 Deem
Rochelle sals

Decree to be entered
R. H. Baker
Nov. Court 1855.

Tyler
vs 3 Deeds
Rockville &c

This day this cause came on again to be heard on the papers formerly read and was argued and on the hearing thereof the court doth adjudge order and decree by consent of all the parties interested that Littleton R Edwards be appointed trustee in the place of Wm B Shands whose resignation is accepted and the said L. R. Edwards is hereby directed to take and hold the property belonging to the estate of James Rockville Dec'd placed in the hands of Wm B Shands by the decree rendered at the November term 1837 of this court and apply the proceeds and profits according to the directions of that decree

Lyon
m. } Lewis
Rochester

Nov. Term 1867.
Writ?

To be entered
R. W. B.

In re.

[redacted] ns.

Rochelle.

St. Pierre suggests to the Court that Martha F B Tyler has appointed this date to hear the last hearing of this cause & that William B. Shands has qualified as her adm. and that John W Rochelle has appointed this date to state and his state has been committed to the hands of Saml Kello. Staff of such appointment for admin'n. Upon consent of parties, it is ordered that this cause proceed in the name of Wm B. Shands adm of Martha Tyler. and Saml Kello as adm of Jno W Rochelle and the cause came on to be heard on the papers pending and on the report of Wm B Shands, Receiver, filed in this cause on 13th Nov 1855. to which no exception has been filed, and was argued by Counsel

On consideration whereof the Court - confirm the Report of Wm B Shands Receiver doth adjudge order and decree that L R Edwards Receiver appointed by an order of this Court. at Nov. Term 1855. render report on the 1st Monday of this Court. and account of his transactions as such, who will state & report the same to Court with any matters specially stated deemed pertinent by him or which may be required by either party so to state. And the Court doth further adjudge, order and decree that Wm B Shands be appointed ~~Receiver~~ in the place of Settleton L Edwards The resignation of the said L. R. Edwards having been accepted &c. to take effect on 1st day 1868.

Tyler

vs } Copy Decree

Rochelles Ex. &c

Southampton Circuit Court. November 11th 1867

Martha F. B. Tyler who sues by her next friend Samuel B Hines - Plaintiff.

against

Martha B. Rochelle in her own right and as Executrix of James Rochelle dec. Littleton R Edwards, John M Curley, William J. Sebrell deputy Sheriff of Southampton, William B. Shands. Sarah Armstrong, Henning T. Smith, Richard A. Crump, John Tyler jr. James R Tyler, Letitia Tyler, Mattie Tyler, John W. Rochelle and James M Rochelle. Defendants

} In Chancery.

It being suggested to the Court that Martha F. B. Tyler has departed this life intestate since the last hearing of this cause, and that William B Shands has qualified as her administrator and that John W Rochelle has departed this life intestate and his estate has been committed to the hands of Samuel Kello Sheriff of Southampton for administration, by consent of parties it is ordered that this cause proceed in the names of Wm B. Shands administrator of Martha Tyler and Samuel Kello as administrator of John W Rochelle - And the cause came on to be heard on the papers formerly read and on the report of Wm B. Shands, receiver, filed in this cause on 13th November 1859, to which no exception has been filed, and was argued by Counsel: On consideration whereof the Court confirming the report of Wm B. Shands receiver, doth adjudge, order and decree, that L R Edwards receiver, appointed by a decree of this Court at November Term 1855, render before one of the Commissioners of this Court an account of his transactions as such, who will state and report the same to Court, with any matters specially stated deemed pertinent by himself or which may be required by either party to be so stated. And the Court doth further adjudge, order and decree that Wm B. Shands be appointed receiver in the place of Littleton R Edwards, the resignation of the said L. R. Edwards having been accepted to take effect on January first 1868.

A Copy

Teste. L R. Edwards 66

Tyler.

vs. } Ac Cln.

Rochelle &c.

May T. 1868.

To be entd.

E. H. Baker

We consent to the
decree Chamberlain Atty.
for Kansas

Shanks counsel
for defendants

Tyler
ps.

Re Stubbs &c.

This day this cause came on to be further heard on the papers formerly read, and on the report of Com. Howard made, in pursuance of an order of this Court of November Term 1867. and was argued by Counsel On consideration whereof this Court confirming said Report. to which no exception has been filed with diligence or else and decree that Wm B. Stubbs, Receiver, in this cause out of the estate in his hands, if so much he hath, pay to L.R. Edwards the sum of $1032.81 cts. with interest on $754.40 part thereof from Dec. 31st 1867. till paid. But the property shall not be sold to pay the said Mortgage debt during the lifetime of Martha B Rockett. The execution of this decree is suspended during the lifetime of Martha B Rockett

Rochelle vs
as 3 Dem
Blanks

Order entered June 10th 1856

J. M. Wyckhart
Judge

Rochelle &c als
vs
Jas Deans
Shands

By consent of parties this day this cause came on to be heard on the plaintiffs bill answer of the infant defendant by his guardian ad litem appointed for that purpose general replication thereto exhibits filed and was argued by counsel On consideration whereof the court doth adjudge order and decree that Wm B Shands who is hereby appointed special commissioner for that purpose shall sell within at public auction or privately and on such terms as to him will appear most advantageous to all parties interested the 424/8 acres of land belonging to James Rochelle &c it being the land purchased of James Calvert and John B Blythe and wife and on payment of all the purchase money make a deed to the purchaser and pay to E.K. Edwards or his assigns the sum of $1032.81cts with interest on $708.12cts from 31st Dec 1867 and report his proceedings to court in order to a further decree and the court doth further adjudge order and decree that a commission of this court issue into and report to this court what interests John W Rochelle and John Tyler jr & Martha his wife have in

Lawrence

from Dennis Rochelle's estate on account of
their half brother Gray

But the said Mrs B Shanks shall not
proceed to act under this order unless he
shall have executed a bond in the penalty
of $2000 in the clerks office of this court
with sufficient security for the faithful
performance of this order and any other
orders may be made in this cause

~~5~~ ~~33~~ 110 & 112

Rochelle &c

v 3 Com Tyler's Report

Lands

1870 Sep. 15

Southampton County Court, June Term 1870—

James H. Rochelle, James R. Tyler & Mattie Tyler, Plffs.
against
William Shands an Infant by Wm B. Shands
his Guardian ad litem — Defts. } In Chancery;

By Consent of parties this day this Cause came on to be heard on the Plaintiffs bill answer of the infant Defendants by his Guardian ad litem apigned for that purpose, general replication thereto, Exhibit filed and was argued by Counsel; on Consideration whereof the Court doth adjudge, Order and decree, that Wm B. Shands, who is hereby appointed a Special Commissioner for that purpose, shall Sell either at public auction or privately and on such terms as to him will appear most advantageous to all parties interested, the 448 acres of Land belonging to James Rochelles Estate, it being the Land purchased of Samuel Calvert and John Blythe & wife, and on payment of all the purchase money, Make & Deed to the purchaser and pay to S. R. Edwards or his apigns the Sum of two Thousand and thirty two dollars and Eighty two Cents, with interest on Seven hundred and fifty four dollars and forty Cents, from 31st December 1867, and report his proceedings to Court, in order to a further decree. And the Court doth further adjudge, Order and decree that a Commissioner of this Court enquire into and report to this Court what amounts John W. Rochelle and John Tyler jr and Martha his wife have received from James Rochelles Estate on account of their half brother Henry Gray. But the said Wm B. Shands shall not proceed to act under this Decree, until he shall have executed a bond in the penalty of Two Thousand Dollars, in the Clerks Office of this Court, with Sufficient Security for the faithful performance of this Decree, and any other, which may be ordered in this Cause.

A Copy
Teste, James R. Tyler, D.C.

Commissioner's Office,
Jerusalem, Sept. 15th 1870.

To the County Court of Southampton,

Pursuant to a Decree of the County Court of Southampton, rendered on the 18th day of June Term 1870, in a Suit in Chancery depending in the said Court between James H. Rochelle & others against William Sleight an Infant by Wm B. Sleight his Guardian ad litem, the Undersigned one of the Commissioners of the said Court to whom was referred for Settlement by said Decree, "That a Commissioner of this Court inquire into and report to this Court, what amounts John W. Rochelle and John Tyler Jr; and Martha his wife, have received from James Rochelle's Estate, on account of their late Intestate Henry Gray" reports to the Court that Under a decretal Order of the Circuit Court of Southampton County, entered at the November Term 1846. It was Ordered and decreed that "Martha B Rochelle Executrix of James Rochelle dec. pay unto John Tyler Jr; the Sum of ($537.12½ cts) with interest on ($430.87½ cts) part thereof from the 1st day of January 1838, on ($76.50) part thereof from the first day of January 1833, and on ($31.25 cts) part thereof from the 1st day of January 1845, till paid; and that the said Martha B. Rochelle pay unto John W. Rochelle the like Sum of ($537.12½ cts) with int on like amounts as above Stated." The Commissioner also States that by a Report returned in May 1847, G. A. W. Yeamans, Benj Swann and James F. Bryant, who were appointed Commissioners to divide the Slaves belonging to the Estate of Henry M. Gray dec'd— Item in the proportion of Mrs. Martha B. Rochelle, assigned one Slave of the Value of ($221.87) to John Tyler Jr, in right of his wife and one Slave of a like Value to John W. Rochelle, the other Slaves were delivered to Mrs. Martha B. Rochelle. All of which is respectfully

Submitted to the Court.

Commissioners fee $10.00

James R. Tyler, Commissioner

Rochelle et als
vs } Decree
Shands
Mich Term 1871

To be entered

W. Wilkerson Judge.

Rochelle et al
pl
Shands } Decree

This cause came on this day to be further heard on the papers formerly read and ~~it was~~ argued by Counsel, and it appearing to the Court that J.S. & Wm H Lauch the purchasers of the real Estate in the proceedings mentioned, have paid no part of the bond for $1000, on executed by them for the purchase of the said real Estate, in Consideration whereof the Court doth adjudge order and decree that John A Sebrell be and he is hereby appointed a special Commissioner in the place of Wm B. Shands who was former Commissioner, and that he the said Sebrell shall, unless within Sixty day from this date the said purchasers or some one for them shall fully pay and satisfy the said debt, sell at public Auction having duly advertised the same the real Estate in the proceedings mentioned ~~on the following terms~~ for Cash But that the said John A. Sebrell shall not proceed to execute this Decree until he shall have given, in the Clerks Office of this County, bond with sufficient personal security, in the penalty of two thousand dollars, conditioned for the faithful performance of the duties hereby enjoined. And for reasons appearing to the

Court an injunction is awarded the plaintiffs to restrain the said J. S Thorn & Camp, their agents and attorneys & all others from cutting logs or timber of any kind on the said real Estate and from removing any logs or timber already cut on said land

Rochelle et al
vs } Decree
Shands

April Term '71

To be entered

W. W. Boyd Judge

Rochelle et al
vs 5 Decree,
Shands

This day this cause came on again to be heard on the papers formerly read, and was argued by counsel, On Consideration whereof, the Court without deciding any of the principles involved in this cause, doth adjudge, order and decree that so much of the decree of the March Term 1841 as appoints Jno. A. Sebrell Commissioner in place of Wm. B. Shands be set aside, and the said Wm. B. Shands is hereby directed to go on and discharge all the duties pertaining to him as said Commissioner.

Rochelle vs.

vs 3 Dem

Shands

To be entered

for Augusta Jones

June Term 1851

Rochelle vs
vs 3 Decm
Chances

This day this cause
came on again to be heard on
the pleas formerly made and
the report of Commissioner Chandler
and was argued by Counsel On
consideration whereof the court
doth adjudge order and decree
that Wm B Chances the Commissioner
make and deed to Wm N Isbell
Lamp according to his contract
with them and report to the
court in order to a further
decree

Tyler
vs
Rochelle
and
Rochelle
vs
Shands

Deree

Nov. Term 1817

It be entered

Geo. Walker

Tyler
vs
Rochelle
vs
Rochelle
vs
Shands

Decree

This day this cause came on again to be heard on the papers formerly read and the report of Commissioner Wm B Shands and to which report no exceptions have been filed and was argued by counsel on consideration whereof the court doth adjudge order and decree that the said report be confirmed and that this cause be removed from the docket with leave to any of the parties interested to reinstate this cause on motion

Tyler 113 - 114

vs

Rochelle

+

Rochelle

vs

Shandy

} Decree

Nov Term 1879.

To be entered.

Geo. W. Smith.

1879 Nov. Cause reinstated on Docket

Tyler v Rochelle
+ 3 Cases.
Rochelle v Shand.

On Motion of James R. Tyler, one of the
interested parties, these Causes are ordered
to be reinstated on the docket.

Tyler
vs
Rochelle
&
Rochelle
vs
Shands

} Decree

Nov Term 1881.

To be entered.

Geo R Flood

Tyler
&
Rochelle
+
Richelle
vs
Thandy
} Decree

This day these Causes Came on to be again heard on the papers formerly read & the report of Comr Tyler filed Sept 15. 1870. and was argued by Counsel. On Consideration whereof, no Exceptions being filed to said report, the same is hereby confirmed. And Nothing further appearing necessary to be done in these Causes, they are ordered to be removed from the docket, with leave to any interested party to reinstate upon motion.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon Martha B Rochelle in her own right and as executrix of James Rochelle dec'd, Littleton R Edwards, John M Gayle, William J Jebell deputy Sheriff of Southampton, William B Hands, Sarah Armstrong, Fleming J Smith, James R Tyler, Letitia Tyler, Mattie Tyler, John W Rochelle and James H 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 January next, to answer a Bill in Chancery exhibited against them & others in the said Court by

Martha F. B. Tyler who sues by her next friend Samuel B Hines

And unless they shall answer the said Bill within ~~four~~ two 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 14 day of November 1849, in the 74 year of the Commonwealth.

L R Edwards Clk

[*One Copy to be delivered each Defendant.*]

I acknowledge due Service of the within Subpœna & Injunction this Nov. 16th 1849.

L. R. Edwards
Wm. I. Schell Dep. Sh.
Thos. J. Simpson
Jno. B. Thomas Trustee
Sarah Armstrong
Martha B Rochelle.
Jno. M. Gurley
J. W. Rochelle
H. T. Smith

Nov. 19th 49

27th Dec 1849

Rochelle & Tyler by Sol.
vs
Sp. & Injunction

Rochelle & Gurley et al

January Rules

Executed on John M Gurley
John W Rochelle & Wm. R Rochelle
Wm. N Ramsey Dep. Sh. of
Little Rock Dist. Ark.

Executed on L R Edwards Wm I Schell Dep Sh Wm T Thomas
Sarah I Armstrong Martha B Rochelle H Fenning H T Smith
Lucretia Tyler and Martha Tyler. James M Rochelle
No Inhabitants

William R Parker Dep of
Jyntha Jordan Sh.

To restrain the defendant William B Shands from selling the slaves and other property in the deed of trust filed as an exhibit from the defendant Martha B Rochelle to him embraced. That the defendant William J Sebrell deputy Sheriff of Southampton be restrained from selling the slaves and other property by him levied on in the possession of the said Martha B Rochelle to satisfy the executions issued out by the defendant L R Edwards against the said Martha B Rochelle and deliver up all the said property to the defendant William B Shands who is hereby appointed receiver of this Court to take and hold the same. That the said Martha B Rochelle deliver up to the said William B Shands the several parcels of land embraced by her deeds of conveyance to the said Defendants L R Edwards and J M Gurley with the bill exhibited except the lot of two acres in Jerusalem which has passed into the possession of the said J M Gurley. That the said J M Gurley be required to hold the said two acre lot until the further order of the Court. That the said J M Gurley & L R Edwards be restrained from parting with the title to the said lands and account for the rents and profits thereof to the Court that the defendant William B Shands hold all the said slaves and other property now in his possession under the said deed of trust from Martha B Rochelle to him for the benefit of Sarah Armstrong and others, the slaves and other property to be surrendered to him by defendant Sebrell under this order and the lands of which he is to be placed in possession under this order by defendant Martha B Rochelle as receiver of this Court with directions so to manage the said lands, slaves and other property as in his discretion may be most judicious and proper either by cultivating the lands with the slaves or by renting out the lands and hiring out the slaves, and that he render to this Court an account of his acts done under this order. Bond with sufficient security having been given conditioned to pay and satisfy the defendants their costs if the injunction shall be dissolved.

Teste

L R Edwards Clk

Tyler

vs } Sp: & Injn

Rochelle &c

1850 January Rules

To restrain the defendant William B Shands from selling the Slaves and other property in the deed of trust filed as an exhibit from the defendant Martha B Rochelle to him embraced - that the defendant William J Sebrell deputy Sheriff of Southampton be restrained from selling the Slaves and other property by him levied on in the possesion of the said Martha B Rochelle to satisfy the execution sued out by the defendant J R Edwards against the said Martha B. Rochelle, and deliver up all the said property to the defendant William B. Shands who is hereby appointed receiver of this Court, to take and hold the same - that the said Martha B Rochelle deliver up to the said William B. Shands the several parcels of land embraced by her deeds of conveyance to the said defendants J R Edwards and J M Burley with the bill exhibited. except the lot of two acres in Jerusalem, which has passed into the possesion of the said J. M. Burley: That the said J. M. Burley be required to hold the said two acre lot until the further order of the Court and account for the rents and profits thereof to the Court - That the said J. M. Burley and the said J R Edwards be restrained from parting with the title to the said lands - that the defendant William B. Shands, hold all the said Slaves and other property now in his possesion under the said deed of Trust from Martha B Rochelle to him for the benefit of Sarah Armstrong and Others, the Slaves and other property to be surrendered to him by Defendant Sebrell under this order and the lands of which he is to be placed in the possesion under this order by defendant Martha B Rochelle as receiver of this Court with directions so to manage the said lands, Slaves and other property as in his opinion may be most judicious and prosper either by cultivating the lands with the Slaves or by renting out the lands and hiring out the Slaves and that he render to this Court an account of his acts done under this order - And with Sufficient Security having been entered into conditioned to pay and Satisfy the defendants their costs if the injunction Shall be dissolved.

A Copy Teste. J R Edwards C C

No Inhabitant

Geo W Chaney Ds

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ~~Southampton~~ Charles City County, Greeting:

We command you that you summon John Tyler jr

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 January next, to answer a Bill in Chancery exhibited against him and others in the said Court by Martha F. B. Tyler who sues by her next friend Samuel B. Pines

And unless he shall answer the said Bill within ~~four~~ Two months thereafter, the Court will take the same for confessed, and decree accordingly. And this he 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 12 day of December 1849, in the 74 year of the Commonwealth.

L R Edwards CC

[*One Copy to be delivered each Defendant.*]

Tyler

vs } Spa & Ayers

Rochelle &c

1850 January Rules

To restrain the defendant William B Shands from selling the Slaves and other property in the deed of trust filed as an exhibit, from the defendant Martha B Rochelle to him embraced - that the defendant William J Sebrell deputy Sheriff of Southampton be restrained from selling the slaves and other property by him levied on in the possession of the said Martha B Rochelle to satisfy the execution sued out by the defendants L.R. Edwards against the said Martha B Rochelle, and deliver up all the said property to the defendant William B Shands who is hereby appointed receiver of this Court to take and hold the same - that the said Martha B Rochelle deliver up to the said William B Shands the several parcels of land embraced by her deeds of conveyance to the said defendants L R Edwards and J. M. Burley with the bill exhibited, except the lot of two acres in Jerusalem, which has passed into the possession of the said J. M. Burley - that the said J. M. Burley be required to hold the said two acre lot until the further order of the Court and account for the rents and profits thereof to the Court - that the said J. M. Burley and the said L.R. Edwards be restrained from parting with the title to the said lands - that the defendant William B Shands hold all the said Slaves and other property now in his possession under the said deed of trust from Martha B Rochelle to him for the benefit of Sarah Armstrong and others, the slaves and other property to be surrendered to him by defendant Sebrell under this order, and the lands of which he is to be placed in the possession under this order by Defendant Martha B. Rochelle as receiver of this Court with directions so to manage the said lands slaves and other property as in his opinion may be most judicious and proper either by cultivating the lands with the slaves or by renting out the lands & hiring out the slaves - and that he render to this Court an account of his acts done under this order - Bond with sufficient security having been entered into conditioned to pay & satisfy the defendants their costs of the injunction shall be dissolved

A Copy Teste. L R Edwards Clk

Executed on the 1st. day of January 1850, and a true copy of the within Subpoena in Chancery (together with the Injunction accompanying the same) delivered to the within named Richard A. Crump.

Nathl. G. Norfleet Dy: for
James H. Godwin Shff:
of Nansemond County.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ~~Southampton~~ County, Greeting:

We command you that you summon Richard A Crump

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 January next, to answer a Bill in Chancery exhibited against him and others in the said Court by Martha F. B. Tyler who sues by her next friend Samuel B Ames

And unless he shall answer the said Bill within ~~four~~ two months thereafter, the Court will take the same for confessed, and decree accordingly. And this he 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 12 day of December 1849, in the 74 year of the Commonwealth.

L R Edwards CC

[*One Copy to be delivered each Defendant.*]

Sylvia adress.

To Louis Postier

Rochelle Exr y ale

COMMISSIONER'S OFFICE,

JERUSALEM, Nov. 28th 1867.

To William B. Shands admr of Martha E. B. Tyler Plff.

against

Martha B. Rochelle in her own right & as Executrix of James Rochelle dec'd, Lillian E. Evans, John M. Gurley, William Parker Deputy Sheriff of Southampton and Edward William B. Shands Guardian, Mary J. Neville, Richard A. Crump, John Tyler Jr., James R. Tyler, Letitia Tyler, Mattie Tyler, Saml. Kello, admr of John W. Rochelle and James P. Rochelle Defts

You are hereby notified that I have fixed upon the 12th day of December next, if fair, if not, on the next fair day thereafter, (Sunday excepted,) to take and settle, at my office, the following accounts, to wit:

That L. E. Evans, receiver appointed by a Decree of this Court at November Term 1865, under before me & the Commissioner of this Court on account of his Transactions as such, who will state and report the same to Court with any matters specially stated & deemed pertinent by himself or which may be required by either party to be so stated

required to be taken by a decree of Southampton Circuit Court, rendered on the 11th day of November 18 67, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs, and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first afore said.

Henry L. Novard

Commissioner.

To the Sheriff of Southampton County to execute.

We acknowledge due service of the within notice—

L. Wells Shff Ds

Robert Taylor

J. H. Rochelle

Wm B Shands

M. B. Rochelle.

Martin Taylor

L R Edwards

Tyler

& } Cr: Pub:

Rochelles Cr: Ky

Copy posted at front door of the
Ct House. June 5 1850

Virginia:

At Rules held in the Clerks Offices of the Circuit Superior Court of Law and Chancery for the County of Southampton on the 3rd day of June 1850 -

Martha F. B. Tyler who sues by her next friend Samuel B. Ames Plff.

against

Martha B. Rochelle in her own right and as executrix of James Rochelle dec'd Littleton R. Edwards, John M Burley. William I. Sebrell deputy Sheriff of Southampton, William B Shands. Sarah Armstrong. Henning T. Smith. Richard A. Crump. John Tyler jr. James R Tyler. Littleton Tyler. Mattie Tyler John W Rochelle & James H. Rochelle Defts

(In Chancery)

The Defendants John Tyler jr. and James A Rochelle not having entered their appearance and given security according to the act of Assembly and the Rules of this Court and it appearing by satisfactory evidence that they are not inhabitants of this County, it is ordered that the said defendants do appear here on the first day of the next term and answer the bill of the plaintiff and that a copy of this order be forthwith inserted in some news paper published in the Town of Petersburg for two months successively and posted at the front door of the Courthouse of this County -

Messrs. Shorter, Jones & Watkins

To **J. M. H. BRUNET.**

1850. June 13. *To advertising* Chancery notice

2 *squares* 9 *times,* $5.00

Received payment,

Thomas J. Clark

The DAILY NEWS is published every morning. TERMS—Two Cents a copy or Five Dollars a year, in advance.

Tyler

c. } Prosp. Pub.

Rochelle &c

1850 Sept. 16th

VIRGINIA.—*IN Chancery.*—At Rules held in the Clerk's Office of the Circuit Superior Court of Law and Chancery for the County of Southampton on the 3rd day of June, 1850,

Martha F. B. Tyler, who sues by her next friend, Samuel B. Hines, Pltff:

AGAINST

Martha B. Rochelle, in her own right, and as executrix of James Rochelle, dec'd. Littleton R. Edwards, John M. Gurley, William J. Sebrell, deputy Sheriff of Southampton, William B. Shands, Sarah Armstrong, Henning T. Smith, Richard A. Crump, John Tyler, jr. James R. Tyler, Letitia Tyler, Mattie Tyler, John W. Rochelle and James H. Rochelle, Def'ts.

The defendants John Tyler, jr. and James H. Rochelle, not having entered their appearance and given security according to the act of Assembly and the Rules of this Court, and it appearing by satisfactory evidence that they are not inhabitants of this country, it is ordered, that the said defendants do appear here on the first day of the next Term and answer the bill of the plaintiff, and that a copy of this order be forthwith inserted in some newspaper published in the Town of Petersburg for two months successively and posted at the front door of the Courthouse of this county.

A copy. Teste,

ju 13—w8w L. R. EDWARDS, c. c.

Town of Petersburg to wit:

This day personally appeared before me, an Alderman of the Town of Petersburg, Thomas D. Clark who sweareth that the advertisement of which the annexed is a true copy has been published in the Daily News, a newspaper of the Town aforesaid, for two months successively.

Petersburg, August 17, 1850. W. Ed. Hunter Rec'd

Tyler

vs } Report of receiver Edwards

Rochelle &c

1850 Nov. 8th

Circuit Court of Southampton County November Term 1850

Report of Wm B Shands acting of the estate of James Rochelle dec'd

The undersigned reports that in obedience to the order of court made at November Term 1848. as soon thereafter as practicable he proceeded to take possession of all the property named in the said order except the tract of land known as a part of the Underwood Tract and supposed contains about fifty acres and another small tract of land lying on the Blackwater road containing 16 3/4 acres which lands was purchased by John M Ginby from Martha B Rochelle. The said John M Ginby in contempt of the order of this court refuses to deliver up the said lands to the acting alleging as a reason for not so doing that the said lands were sold and delivered to him previous to the granting of the injunction and order of November 1848. The acting believes the annual value the said lands to be sixty dollars. at least he could have obtained that sum had they been delivered up to him. He reports further that since the property has come into his hands he has paid to the sheriff. the sum of one hundred dollars and ninety three cents taxes. To Clarke & Pope the sum of four dollars and fifty cents. for shoes for the negroes to Jesse S Barnum the sum of fourteen dollars and eighty eight cents. for shoes so for the negroes as will appear by his receipts. that to pay these claims the sheriff sold property and the claims were paid out of the crop. He reports further that for the year 1850 he has kept up the farm working the negroes upon it. That for this year he has contracted the following debts which were absolutely necessary in order to support the negroes belonging to the estate

and keep up the farm viz a bill to Sturdivant Hunt & Co for $86.75 cts for bacon, a bill due Sept & Barham for $1.50 61 cts for groceries furnished the family and a medical account for $38.75 cts due Dr John G Bishop for services rendered the negroes belonging to the estate. he reports further that he found the state when it came into his hands in a deplorable condition the crops made during the year 1848 entirely insufficient to support the family during the ensuing year and nothing which he could sell to raise money to pay these debts, that he believes the crops made this year will be sufficient to support the family the ensuing year but that it will be necessary for the court to make an order authorizing the Executor to sell some portion of the state in order to pay off these debts which have been contracted to support the estate All of which is respectfully submitted by

Wm B Shands Executor &c
estate of James Rochelle dec'd

Report of

Wm B Shands receiver

of James Rochelle's estate

1851 May 3rd

As reciver of the estate of James Rochelle dec'd I have to report that pursuant to an order of the circuit court of Southampton made at November term 1850 I sold a negro girl named Mary aged about twelve years belonging to the estate of James Rochelle for the purpose of paying the debts which had been contracted for the support of the estate

That the girl Mary sold for the sum of five hundred dollars cash, out of the money I have paid to Dr. John E Bishop the sum of thirty eight dollars and seventy five cents to Isaac S Barham the sum of one hundred and fifty dollars and sixty one cents to Blandivant Hunt & Co the sum of eighty six dollars and seventy six cents and to the sheriff of Southampton the sum of forty eight dollars and twenty seven cents the taxes owing for the estate for the year 1850 for which the sheriff would have levied and sold property only he had paid them amounting in all to the sum of three hundred and twenty four dollars and thirty nine cents as will appear by my receipts leaving the sum of one hundred and seventy five dollars and sixty one cents in my hands as reciver

Wm B Shands reciver of
the estate of James Rochelle
dec'd

$2334.87/100

Received June 17th 1851 of Wm B. Shands Commissioner &c. bonds arising from the sales of Slaves made under the decree of May Term 1851 in the case of Tyler against Rochelle &c. in Southampton Circuit Court amounting to twenty three hundred and thirty four 87/100 Dollars in part of the sum due me under said Decree – said bonds becoming due the 16th day of December 1851.

S R Edwards

Tyler

Tr } Report

Rochelle &c

1837 Nov. 7th

leaving still unpaid of his demand against the estate of James Rockwell the sum of $292 and there remains in his hands the sum of $175.00 as will appear by a former report. There remains in my hands the following slaves to wit Davy, Robin, Edmond Bobb and Nancy and the following tracts land viz the dower tract near Jamsalem and the tract called the Hemitage, some furniture stock of cattle, hogs and farming implements John M Jenkins has been surrendered the two tracts of land mentioned in my previous report or the lot lying in Jamsalem but still holds them notwithstanding the order of the court, all of which is hereby reported to court

By Wm Williams receiver
of the estate of James Rockwell

c
d of William
Blanco meine
ames Bocklets
e

mm 19th 1851

The motion William B Shands reports to the court that in obedience to the decree of the court rendered at the may Term 1837 after having given four weeks notice of the time and place of sale by advertisement at the court house door and other public places in the county of Southampton he proceeded on this 11th of June 1837 at Jerusalem on court day to sell at public auction to the highest bidder on the terms prescribed in the decree the following slaves belonging to the estate of Isaac Rochelle dec'd

			$	Cts
Charles	for the sum of		87	00
Fanny & her four children	"	"	1080	00
Ben	"	"	150	00
Jack	"	"	17	25
Agnes	"	"	700	00
Jenny & child Louisa	"	"	310	00
	whole amount		2394	25

Deduct commissions 5 per cent on 300 & 2 per cent on residue $56.88

amount paid to auctioneer 2.50

Leaving the sum of $2334.87

which was paid over to Littleton W Edwards as will appear by his receipt herewith filed, the motion

James Rochelle's Trustee's
Rec'd Account

1859 Nov 15 Rec'd

The Estate of James Rockell dec'd.
In account with William B. Shands, Trust. of Revier

			Dr.		Cr.	
1850	To paid Taxes for several years back		100	93		
	" " Taxes for 1850		48	27		
	" " Jesse S. Barham	acct	150	61		
	" " Jno. L. Bishop	Med! "	28	25		
	" " Sturdivant, Hartz & Co	(2) "	86	76		
	" " Orris Moore	"	2	74		
	" " Clarke & Pope	"	4	80		
	" " Jesse S. Barham	"	6	71		
	" " Do	"	11	88		
	" " Joseph Pope	"	3	50		
	" " Mallin & Clements	"	1	85		
	" " Geo. W. Pope & Co	"	3	20		
	" " Josiah Money	"	21	80		
	" " John L. Bishop	"	10	80		
Dec 31	By balance Trustee				484	23
			484	23	484	23
" "	To balance brought down		484	23		
1851	" paid James Drake	account	3	50		
	" " Taxes this year		37	71		
	" " H. D. Moore	account	4	00		
	" " Taxes		30	61		
	" " Wm A. Mapsenburg	Med. account	6	00		
	" " Jesse S. Barham			62		
	" " R. L. Beckman	Med! account	24	50		
	By Cash from Sale of Girl Mary				500	00
Dec 31	" balance due Trustee				71	17
			591	17	591	17
" "	To balance due Trustee brought down		71	17		
	with interest from this day.					

Respectfully Submitted
Henry S. Howard, Com!.

Commissioner's Office,

Jerusalem, February 3rd 1859.

To the Circuit Court of Southampton County.

Your Commissioner reports to Court that William B. Shands Trustee of the Estate of James Rockelle has exhibited before him a statement of all moneys received by the said Trustee or with which he had become chargeable or had disbursed, during the periods embraced in the foregoing account, together with the vouchers in support of the disbursements. That he finds a balance of $91.17 to be due by the said Estate to the said Trustee on the 31st day of December 1851, with interest thereon from that day. That the said account is supported by satisfactory vouchers, ~~and that the said has given such bond as the law requires, the penalty whereof and~~

That the said Trustee was embraced in the list of Fiduciaries posted up at the front door of the Court House of Southampton County, on the first day of January Court last, and now on this day, (ten days having elapsed since the same was thus posted up,) the foregoing account is made up and completed.

Given under my hand as Commissioner aforesaid, the day and year first aforesaid.

Henry S. Howard, *Commissioner.*

Tyler

v. } Com. Rep.

Rochelle Q.

1868 March 3. Rd.

The Estate of James Rochelle Dec'd

In Account with L. R. Edwards, Trustee & Receiver

			Dr		Cr		Int	
1856		To paid Taxes for 1852. 54, 55, & 56.	79	50				
		" " Mutual Insurance Office	11	56				
		" " Geo Bryant for repairs to house	29	00				
		" " Dr Parker Medicine	34	00				
		" " Expenses for Necessaries for family	250	00				
Dec	31	By amt rent of farm &c this year			250	00		
		" Bal due Trustee &c.			134	06		
			$404	06	404	06		
		To Bal due Trustee &c brot down	134	06				
1857		" paid Tax a/c &c	28	20				
		" " For Coffin for Negro Woman Buck	5	00				
		" " Expenses for Necessaries for family this year	250	00				
Dec	31	By rent of farm &c this year			250	00		
"	"	To Bal due Trustee &c			187	26		
		" Interest on $134.06 One year					9	24
			$437	26	437	26	9	24
		To Bal due Trustee &c brot down	187	26			9	24
1858		" paid Tax a/c this year	28	47				
		" " For Necessaries for family	250	00				
Dec	31	By rent of farm &c this year			250	00		
		To Interest on $187.26 One year					11	23
		" Bal due Trustee &c			215	73		
			$465	73	465	73	20	47
		To Bal due Trustee &c brot down	215	73			20	47
1859		" paid Tax a/c &c this year	29	63				
		" " Necessaries for family	250	00				
Dec	31	By rent of farm &c this year			250	00		
"	"	To Interest on $215.73 One year					12	94
		By bal due Trustee &c			245	38		
			$495	38	495	38	33	41
		To Bal due Trustee &c	245	38			33	41

(Carried over)

			Dr		Cr		Int	
		To Amount brot forward	245	38			33	41
1860		" paid Taxes &c this year	27	58				
		" " Dr Masenburg	2	50				
		" " repairs of house Garden fence &c	178	32				
		" " Necessaries for family	230	00				
Dec	31	By rent of farm &c this year			230	00		
"	"	To Interest on $245.38 One year					14	72
"		By bal due Trustee &c			453	98		
			$703	98	703	98	48	13
		To Bal due Trustee &c brot down	453	98			48	13
1861		To paid Tax &c &c this year	34	99				
		" " Dr Masenburg	16	50				
		" " Necessaries for family	230	00				
Dec	31	By rent of farm &c this year			230	00		
"	"	To Interest on $453.98 One year					27	23
"		By bal due Trustee &c			305	47		
			$735	47	735	47	75	36
		To Balance due brot down	305	47			75	36
1862		" paid Taxes &c this year	37	12				
		" " Necessaries for family	230	00				
Dec	31	By rent farm &c			230	00		
"	"	To Interest on $305.47 One year					30	32
		By bal due Trustee			542	59		
			792	59	792	59	105	68
		To Bal brot down	542	59			105	68
1863		" paid Necessaries for family &c	230	00				
Dec	31	By rent of farm &c this year			230	00		
"	"	To Interest on $542.59 One year					32	55
"	"	By Bal due Trustee &c			542	59		
			792	59	792	59	138	23
		To Bal due brot down	542	59			138	23

Amt Carried Forward

			Dr		Cr		Int	
		To Amount brot up	542	59	792	59	138	23
1864		" paid Necessaries for family &c	250	00				
Dec	31	By rent of farm &c this year			250	00		
"	"	To interest on $542.59 One year					32	55
"	"	By Bal due Trustee &c			542	59		
			$792	59	$792	59	$170	78
		To Bal due brot down	542	59			170	78
1865		" paid Necessaries for family &c	230	00				
		" " Taxes this year	27	39				
Dec	31	By Rent of farm &c this year			250	00		
"	"	To Interest on $542.59 One year					32	55
"	"	By Bal due Trustee &c			569	98		
			$819	98	819	98	$203	33
"	"	To Bal due brot down	569	98			203	33
1866		" paid Necessaries for family &c	250	00				
		" " Taxes for this year	16	60				
		" " Nancies hire this year	30	00				
		" " Agness hire	45	00				
Dec	31	By rent of farm this year			250	00		
"	"	To Interest on $569.98 One year					34	19
"	"	By Bal due Trustee			681	58		
			$931	58	$931	58	$237	52
"	"	To Bal due brot down	681	58			237	52
1867		" paid Necessaries for family	250	00				
		" " Taxes this year	24	82				
		" " Nancies hire this year	25	00				
		" " Mary Jane 5 weeks hire	5	00				
		" " Edy for 2 Months hire	8	00				
		" " for timber & making & hanging 2 Gates	10	00				
Dec	31	By Rent of farm this year			250	00		
		To Interest on $681.58 One year					40	89
		By Bal due Trustee &c			734	40		
		Amt Carried Down	$1004	40	$1004	40	$278	41

1867

Dec	31	To Amt brot over			754	40	278 41
"	"	" Interest brot in			278	41	
		" Bal. due Trustee & Receiver			$ 1032	81	

With interest on $754.40 cents from this day till paid

Respectfully Submitted
Henry S. Howard
Comr

Commrs fee $10. paid by
S.R. Edwards.

Commissioners Office
Jerusalem March 2nd 1868

To the Circuit Court of Southampton County

Pursuant to a decree of the circuit Court of Southampton County rendered on the 11th day of November 1867 in a suit in chancery depending in the said Court between Wm B. Shands adm of Martha F. B. Tyler dec'd Plff and Martha B Rochelle & others defendants. The undersigned one of the Commissioners of the said Court, to whom was referred for settlement by said decree, the account of the transactions of S R Edwards appointed Trustee & Receiver of the estate of James Rochelle dec'd. reports to the court that on the 28th day of November 1867. he issued notices against the several parties aforesaid requiring them to attend the settlement of the said accounts before him at his said office on the 12 day of December 1867 which were returned to your Commissioner duly executed on all the parties; except Jno M Gurley. Wm J. Sebrell. Sarah Armstrong. A. J Smith. R A Crumpler & Jno Tyler Jr
That the parties aforesaid appeared before the Commissioner in obedience to the said notices, and he there upon examined the vouchers. Stated & Settled the foregoing account of the said S R. Edwards Trustee & Receiver of James Rochelle Est. up to the 31st day of December 1867 and on that day finds a balance of due by the said Est to the said Trustee & Receiver of $754.40 cents principal and $278.41 cents as interest. The Commissioner further reports to the Court, that after the completion of the said account, he retained the same in his office ten days for the examination of the parties, and no exceptions being made thereto; the decree and notice are herewith returned. Given under my hand, as Commissioner aforesaid. the day and year first aforesaid,

Henry S. Howard
Comm'r in Chancery

Rochelle

vs } The Commissioners
} Thomas Report
} & Recognizances

Chances

1870 Sep 21

Rochelle &c
vs
Shanes

Commissioners Report

The undersigned special commissioners beg leave to report that in obedience to the decree rendered on the 20th of June 1870 he sold privately to W. L. Camp and John S Camp the Calvert and Blythe tracts of land belonging to James Rochelle's estate and estimated to contain 448 acres on the 1st of July 1870 on the following terms to wit one half cash and balance on bond carrying interest from 1st July 1870 and payable 1st January 1871 and reserving the right for the family of James Rochelle dec'd and as appendant to the old homestead to cut sufficient rail timber and fire wood for the family and farm for fifteen years, That he has sold to L. R. Edwards and his assignee James E Rochelle as will appear by their joint receipt herewith filed the $1000 bond and $814 in money in payment of the debt due the said L. R. Edwards and directed to be paid him by the certain decree, And that he has sold to James E Rochelle the balance of the purchase money viz $814 as will appear by the said Rochelle's receipt herewith filed

The commissioner reports further he has retained the title until the purchase money shall be paid by the said B Shanes

Spc Commissioner

Receipt
from
Jas Mc Rochelle

$300
3 04
8 64

August 2nd 1870 Recieved from Wm B Shands special commissioner the sum of five hundred dollars ($500) it being a portion of the special legacy devised to me by my father James Rochelle's will which I was directed to be paid in the event my brother John Rochelle and sister Martha Tyler claimed a certain distributive share from their half brother Henry Gray's estate which they did

J. H. Rochelle



August 26, 1870 - Received from William B. Shands, special commissioner the sum of Three Hundred and Sixty Three Dollars and ninety four cents - ($363.94) - it being a portion of the special legacy devised to me by my father James Rochelle's will, which I was directed to be paid in the event my brother John Rochelle and sister Martha Tyler claimed a certain distributive share from their half brother Henry Gray's estate, which they did.

J. H. Rochelle

Camps
No 3 Bonds
Shands

$1000

$1000

On demand the 1st of January 1871 with interest from the 5th of July 1870 we promise to pay to William B Shands the sum of one thousand dollars it being for the purchase money of land sold by him as commissioner of James Rochelle's estate as witness our hands and seals this 25th of August 1870

Wm J Camp (seal)

John S Camp (seal)



Receipt

Edwards & Lovell

To 3
3

Shades Comm

#1145

September 19th 1870 Received from Wm B Shands Commissioner in suit in County Court of Southampton a bond against W. N. Camp and Solin S Camp for $1000 due and payable the 1st of January 1871 and carrying interest from the 5th of July 1870 the said bond being executed by the said Camps to Wm B Shands as commissioner in the chancery in the suit of Rochell's was Shands for the purchase of real estate which when collected is to be applied to the payment of a debt from L R Edwards to Wm S Sibell & others his securities & Richard Donalds and which also shall be placed as a credit on the claim which I hold against James Rochell's also by decree of the circuit court Also the sum of $1.65 in cash which is in part payment of the said claim against James Rochell's est

L R Edwards

James E Sibell, Assignee of L. R. Edwards.



81.

Rochelle vs Shands

Comr Report

Received by Clerk Circuit Court Aug: 13th 1873.

Richmond
vs 3
Shands

The undersigned
commissioner reports that Wm H.
Camp and John S Camp have
paid the residue of the purchase
money Juris and he is ready
to make a deed all of which
is respectfully submitted

Wm B Shands
June 20th 1871 Commissioner

Commissioners Report

Nov. 5th 1877

Tyler
Co 3
Rochelle
and
Rochelle
Co 3 Deeds
Shands

Commissioners Report

The undersigned special
commissioners beg leave to report
That Wm N Camp and John Camp having paid
the purchase money in full for the East
and West ½ the tracts of land containing
by estimate 448 acres be made them
a deed with special warranty for the
same

Nov 5th 1877

Respectfully submitted by
Wm B Shands Commissioner

Tyler

To 3 Injon Blank

Rochelle &c

Know all Men by these presents, that We Saml B Heins Principal & Wm B Shands security, are held and firmly bound unto Martha B Rochelle in her own right and as Executrix of James Rochelle & Littleton E Edwards, Jno M Tinsley, William J Pitchell Deputy Sheriff of Southampton, & Wm B Shands. Sarah Armstrong, Henning G Smith Richard A Crump. Jno Tyler Jr. James R Tyler Lahiba C Tyler Martha Tyler, John W Rochelle and James H Rochelle in the just and full sum of one hundred Dollars to the payment whereof well and truly to be made we bind our selves our heirs Executors & admrs. jointly and severally firmly by these presents, sealed with our seals and dated this 13th day of November 1849

The Condition of the above obligation is such, that Whereas Martha F.B. Tyler hath obtained from the Judge of the Circuit Superior Court of Law and Chancery for the County of Southampton, an Injunction to restrain the Defendants William B. Shands from selling the Slaves and other property conveyed to him by the defendant M.B. Rochelle, by deed of Trust, and to restrain the said defendant William J Pitchell Deputy Sheriff of Southampton, from selling the slaves and other property levied on to satisfy an Execution sued out by the defendant L.E. Edwards against the said Martha B Rochelle, & Now if the said Martha F.B. Tyler shall pay and satisfy the above named M.B. Rochelle costs their Costs, in the case the said Injunction shall be dissolved then

the above obligation shall be void, or else to remain in full force,

Saml B Harris (Seal)
Wm B Shands (Seal)
(Seal)

Southampton Circuit Superior Court Clerks Office November 12th 1849.

This day the above bound Wm B Shands the security in the above bond made Oath before me Clerk of the Court aforesaid, that his estate after the payment of his just debts, is worth one hundred Dollars, the penalty of said bond.

Wm B Shands

Subscribed and sworn to before me this 12th day of November 1849

J R Edwards D C

James Rochelles Will

Exhibit A

(A)

Tyler

Exhibit with Will

Rochelle

I James Rochelle of the County of Southampton and state of virginia do make this writing as and for my last will and testament as follows to wit

1st It is my will and desire that the tract of land I purchased of William Scott called Bucks containing 379 acres the tract of land I purchased of the estate of John Thomas dec'd containing about 337 acres both lying near the town of Jerusalem a small tract of land containing about 80 acres lying on the south side of nottoway river at or near the Stith meth bridges and also a tract of land which I own lying in the County of nansemond containing 192 acres be sold by my executors on such terms and at such time as she may think advisable and that she execute legal deeds of conveyance for the same and apply the proceeds of such sales to the payment of my debts. 2 after the payment of my debts I lend unto my wife all the rest and residue of my estate of what nature and kind soever during her life or widow hood for the maintainance of herself and children requesting her to give them the best education my estate will afford.

3 and whereas my son John and daughter Martha derived little to some slaves by the death of their half brother which are now in my possession and has not been allotted to them should they claim them independent of my estate It is there my will and desire that so much more of my estate be allotted to my son James as will make his estate equal to theirs revoking all other wills I do appoint my wife Executrix of this my last will. Given under my hand and seal this 17 day of august 1835

Teste

William A Sparke
Elemanto Rochelle
Winney her Doyal mark

James Rochelle (seal)

At a Court held for the County of Southampton the 21st day of September 1835. The last will and testament of James Rochelle dec'd was this day proved by the oaths of William A Sparke Elemanto Rochelle and Winney Doyle the witnesses thereto and ordered to be recorded and on the motion of Martha Rochelle the Executrix therein named who made oath and together with George Blow William A. Sparke and Samuel B Wines her securities entered into and acknowledged a bond in the penalty of sixty thousand dollars conditioned as the law directs certificate is granted her for obtaining a probat of said will in due form Teste J R. Edwards Cle

A Copy. Teste. J R Edwards C C

Tyler

to } Ex. with bill

Rochelle &c

B.

John Rochelle sells to
L.R. Edwards his wife & 3 others
two lots in Jacksonville.

Know all men by these Presents that we Martha B. Rochelle and John W Rochelle for and in consideration of the sum of fifty dollars to us in hand paid by Littleton R Edwards the receipt whereof is hereby acknowledged, have granted, bargained and Sold and by these Presents do grant, bargain & Sell unto him the said Littleton R Edwards his heirs and assigns a certain lot or piece of land lying near Jerusalem in the County of Southampton on in the rear of the horse lot of the said Martha B Rochelle and bounded by the said horse-lot on the West, by the road leading from Jerusalem to Joynes bridge, on the South, by the lands of the said Edwards known as the Milliken place on the East, and by F. J. Mahones lands on the North, and supposed to contain three acres - To have and to hold the said lot or piece of land with every of its appurtenances unto him the said Edwards his heirs and assigns forever. And the said Martha B Rochelle covenants with the said Edwards that she has an interest for life and the said John W Rochelle covenants with the said Edwards that he has an interest in remainder in one third of the said lot or piece of land and they Severally bind themselves to warrant and defend their respective interest unto the said Edwards against all Persons whatsoever -

In Witness whereof the said Martha B Rochelle & John W. Rochelle have hereunto Set their hands and affixed their Seals this 16th day of October 1849. The words "and supposed to contain three acres." were interlined before Signed -

Witness.

Wm. B. Shands
Wm W Briggs
Samc B. Stines.

Martha B Rochelle (Seal)
J W. Rochelle (Seal)

Southampton County. In the Clerks Office the 17th day of October 1849 This deed of bargain & Sale from Martha B Rochelle & John W Rochelle to Littleton R Edwards was proved by the oaths of all the subscribing witnesses thereto as to the said M. B Rochelle and on the 23d day of October 1849, was acknowledged by the said Jno. W Rochelle and admitted to record -

Teste

L R Edwards cc

A Copy

Teste L R Edwards cc

Tyler

To } Ex. with bill

Rochelle 1st

" "

Rochelle

To } Deed

Edwards

1849 October 23rd acknd

2 P.

Recorded Page 441

This indenture made and entered into this 29th day of October in the year 1849 between Martha B Rochelle of the one part and Littleton R Edwards of the other Whereas James Rochelle deceased did by his last will and testament duly proved and recorded in the Clerks office of Southampton county give or lent to his wife Martha B Rochelle during her life or widowhood all his estate both real and personal all of which can be more fully ascertained by reference to the said will Now therefore this indenture that the said Martha B Rochelle for and in consideration of the sum of Five hundred ~~~~ dollars to her in hand paid before the sealing and delivery of these presents by the said Littleton R Edwards the receipt whereof is hereby acknowledged has given, granted, bargained ~~sold~~ and by these presents does give, grant, bargain and sell unto the said Littleton R Edwards all right, title, and interest (being an estate for life or widowhood) in the real estate of James Rochelle deceased ~~under~~ the will of the said James Rochelle. To have and to hold the said interest in the real estate of the said Rochelle as aforesaid unto him the said Littleton R Edwards and his heirs And the said Martha B Rochelle for herself does hereby covenant and agree with the said Littleton R Edwards in the manner and form following that is to say that the said Martha B Rochelle the life estate in the real estate of James Rochelle unto him the said Littleton R Edwards forever to warrant and defend against all and any person whatsoever by these presents in witness whereof the said parties have hereunto set their hands and affixed their

seals the day and year above written

Martha B Rochelle - Seal

L.R. Edwards Seal

signed sealed and delivered
in the presence of

Southampton County to wit:

We. Samuel B. Heine and G
A W Newsom Justices of the peace for the County aforesaid and the
State of Virginia do hereby certify that Martha B Rochelle a party to
a certain Deed bearing date on the 20th day of October 1849 and
hereto annexed personally appeared before us in our County aforesaid and
acknowledged the same to be her act and deed and desired us to certify
the said acknowledgment to the Clerk of the County Court of Southampton
in order that the said deed may be recorded. Given under our hands &
Seals this 20th day of October 1849.

Sam'l B Heine (Seal)
"
G A W Newsom J.P (Seal)

Southampton County In the Clerks Office the 27th day
of October 1849 This Deed of Bargain and Sale
from Marshall B Rochelle to Lillington R
Edwards was Returned and together with the
certificate of the acknowledgment of said Rochelle
before two Justices of the peace admitted to Record
Test L.R. Edwards C.S

Tyler

~ } Ex. with bill

Rochelle &

D.

John Rochelle to Lucy
his wife, one acre South
end of Lot of Isaac Johns
50 acres on Sorghum Run
16 Pole Survey bla Middle Run

This Indenture made and entered into this day of 1849, between Martha B Rochelle and John W Rochelle of the one part and John M Gurley of the other part all of the County of Southampton. Witnesseth, that the said Martha B Rochelle and John W Rochelle for and in consideration of the sum of four hundred dollars to them in hand paid by the said John M Gurley at and before sealing & delivery of these presents, the receipt whereof the said Martha B Rochelle and Jno: W Rochelle doth hereby acknowledge and thereof and every part & parcel thereof doth clearly exonerate, acquit and discharge the said John M Gurley his heirs, executors, administrators and assigns forever by these presents, the said Martha B Rochelle and John W Rochelle hath granted, bargained, sold, aliened, enfeoffed and confirmed and by these presents doth grant, bargain, sell, enfeoff and confirm unto the said John M Gurley his heirs and assigns forever the following lots or parcels of land with their appurtenances, to wit, a lot of land situate lying at the South end of the Town of Jerusalem bounded as follows, commencing at the intersection of Sally Doyals line running South down the Street to a Sycamore near the Presbyterian Church, thence East to a large gum on the ditch, thence a short distance Square with the corner of Sally Doyals lot, thence North to the junction with the said Sally line supposed to contain nearly two acres be the same more & less: one other tract or parcel of land situate and lying on the left hand of the road leading to Southquay known as the portion of the Underwood tract and adjoining the lands of Harrison & Moore and Benjamin Dewany supposed to contain about fifty acres be the same more or less - One other tract or parcel of land situate lying on the Black Water road, which tract of land was purchased by James Rochelle of Jno. Doyal containing 16 3/4 be the same more or less, bounded by the lands of Harrison & Moore and E. A W Newsom together with all and singular, the appurtenances thereto belonging or in any wise appertaining: To have and to hold the said tracts or parcels of land and all other premises hereby granted, bargained and sold and every part and parcel thereof unto the said John M Gurley his heirs and assigns forever. To the only proper use and behoof of him the said Jno M Gurley his heirs and assigns forever. And the said Martha B Rochelle for herself doth hereby grant all the right, title and interest estate vested in her in and to the above described tracts or parcels of land (which is a life estate) and the said John W Rochelle for himself doth hereby grant all right, title and interest in and to the above

described tracts of land as one of the reversioners in the estate of the late James Rochelle decased. In Witness where of we the said Martha B. Rochelle and John W Rochelle hath herunto set our hands and affixed our Seals the day and year first above written-

Martha B. Rochelle (Seal)
J W. Rochelle (Seal)

Signed Sealed & delivered
In Presence of
Wm B Rhoads
Wm W. Briggs
Sam B Spires

Southampton County In the Clerks Office the 17 day of October 1849
This deed of bargain & Sale from Martha B Rochelle and Jno. W Rochelle to John M Gurley was proved by the oaths of the Subscribing witnesses thereto as to Martha B Rochelle and was acknowledged by John W Rochelle and admitted to Record-

Teste
D R Edwards Clk

A Copy
Teste D R Edwards Clk

Tyler

to Z Ex. with bill

Rochelle P

E.

This Indenture made and entered into this 22nd day of October A.D. 1849, between Martha B. Rochelle of the first part William B Shands of the second part and Littleton R Edwards. Sarah Armstrong, Henning T Smith and Richard A Crump of the third part. Whereas, the said Martha B. Rochelle is justly indebted unto the said Littleton R Edwards in the sum of Sixteen hundred and sixty three dollars twenty seven cents with interest from the 19th day of October 1849 and costs, being the amount of a judgment obtained by the said Edwards against the said Rochelle in the Circuit Superior Court of Law & Chancery for Southampton County; also to Sarah Armstrong in the sum of One hundred dollars. And whereas also the said Martha B Rochelle owes some other debts to which Henning T. Smith and Richard A Crump are her Securities, and the said Martha B Rochelle being desirous of effectually securing the payment of the debts aforesaid due the said Edwards and Armstrong, and also to indemnify and save harmless the said Smith & Crump from sustaining any loss or damage whatever in consequence of their being her securities. & the said Martha B Rochelle in consideration of the premises as well as for the further consideration of the sum of one dollar to her in hand paid by the said William B. Shands, the receipt whereof is hereby acknowledged has this day granted, bargained Sold and by these presents do grant, bargain & Sell, & convey and deliver unto him the said William B. Shands his heirs, executors, administrators or assigns, all her the said Rochelles right, title and interest (being an estate for life or widowhood) in the Slaves of the estate of her deceased husband James Rochelle, also two Slaves in fee simple, to wit, Man Tom (Gray) and Woman Comfort, and the following other property, Viz, all her the said Martha B Rochelles Stock of hogs, cattle, two mules, one Carriage Harness and all her farming utensils. Upon trust Nevertheless, that at any time the said William B Shands upon being thereto requested by either of the parties, shall make Sale of all the estate and property above conveyed at Public auction to the highest bidder for cash, having first fixed on the day and place of Sale at his own discretion and given reasonable notice thereof. and out of the moneys arising from Such Sale, after paying all expenses attending this trust, first pay the debt due Sarah Armstrong, then pay the debt due Littleton R Edwards or so much thereof as may be due at the time, and the balance, if any, apply to the payment of the debts to which Henning T Smith and Richard A.

Crumps are the only Securities of the said Martha B Rochelle and if any Surplus should be after the payment of such debts as are described above. then it shall be applied to the payment of any debts to which the said Simmons J Smith is the only Security of the said of the said Martha B Rochelle: and if any balance there then be to Martha B Rochelle or her assigns -

In Testimony where of the Martha B Rochelle and William B. Shands have hereunto set their hands & affixed their Seals the day and year first before written. -

Martha B. Rochelle (Seal)
William B Shands (Seal)

Southampton County to wit:

We G.A.W. Newsom & Sam'l B Hines Justices of the Peace in the County aforesaid in the State of Virginia do hereby certify that Martha B. Rochelle a Party to a certain deed bearing date the 22d of October 1849. and hereto annexed personally appeared before us in our County aforesaid and acknowledged the same to be her act and deed and desired us to certify the said acknowledgment to the Clerk of the County Court of Southampton in order the said deed may be Recorded

Given under our hands and Seals this 22d of October 1849.

G.A.W. Newsom J.P. (Seal)
Sam'l B. Hines J.P. (Seal)

Southampton County, In the Clerks Office the 22d day of October 1849. This deed of Trust between Martha B Rochelle of the first part Wm B. Shands of the second part and D R Edwards and others of the third part was returned and together with the Certificate of the acknowledgment of the said M.B. Rochelle before two Justices of the Peace admitted to Record.

Teste

D R Edwards Clk

A Copy

Teste D R Edwards Clk

Tyler

to Z D. Trust.

Tylers Trustee

This Indenture made and entered into the 19th day of August, in the year 1846 by and between John Tyler jr. of the first part, John W Rochelle of the second part and Martha F. B. Tyler wife of the said John Tyler jr and her three children now living, to wit, James R Tyler, Letitia C Tyler and Mattie Tyler of the third part. all of the County of Southampton. Whereas the said John Tyler jr. under the will of James Rochelle dec'd is entitled in right of his wife, the said Martha, to a certain interest in remainder in the estate of the said James Rochelle dec'd consisting of real and personal property to be reduced into possession at the death of Martha F B. Rochelle widow of the said James Rochelle. And whereas the said John Tyler jr. is entitled in right of his wife the said Martha to a certain other interest in remainder in the estate of the said Martha's half brother Henry M. Gray dec'd. to be reduced into possession at the death of the said Martha F. B. Rochelle - And whereas the said John Tyler jr. is desirous to settle upon and convey unto his said three children above named for their support, maintainance and use the said above named interest in the estate of the said James Rochelle dec'd and the estate of the said Henry M Gray dec'd. Now therefore this Indenture Witnesseth, that for and in consideration of the premises and for the further consideration of one dollar in hand paid by the said John W Rochelle, the receipt where of is hereby acknowledged, he the said John Tyler jr. does by these presents give, grant, sell and convey unto the said John W Rochelle all his, the said John Tylers right, title and interest in and to the above named property, both real and personal in the estate of the said James Rochelle dec'd and the estate of the said Henry M. Gray dec'd Upon trust Nevertheless and upon no other condition whatever, that he the said John W Rochelle shall take possession of the said above named property at the termination of the said life estate therein and apply the same to the use, support, maintainance of his said three children above named, he the said John W Rochelle not being hereinr restricted as to the manner of applying the same provided he appropriate the same in all cases to the use, support and maintainance of the said children above named. and also upon this further trust. and it is hereby agreed and covenanted on the part of the said Martha F.B. Tyler evidenced by her signature to these presents in consideration of the premises that from and after the execution of this deed he the said John Tyler jr. shall be in no manner liable or responsible for any debt created or contract entered into by the said Martha F.B. Tyler or for any act or acts of hers whatever. In testimony where of the parties to these presents have hereunto set their hands and affixed their seals the day and year first before written.

John Tyler jr (Seal)

Jno. W. Rochelle (Seal)

Martha F.B. Tyler (Seal)

Southampton County In the Clerks Office the 19th day of August 1826.
This deed of Trust from John Tyler jr to John H Rochelle Trustee for the benefit of Martha F. B Tyler & Children was acknowledged by the said John Tyler jr. one of the parties thereto and admitted to Record

Teste

L R Edwards Cc

A Copy.

Teste L R Edwards Cc

Tyler

Rochelle &c

(A)

Exhibit with aff of Jos Edwards.

Southampton Circuit Superior Court November 9th 1840.

Littleton R Edwards Pleff
against } In Case
Martha B Rochelle executrix of James Rochelle dec'd Dft

This day came the plaintiff by his attorney & produced a power of attorney for confessing judgment in this action under the hand & seal of the Defendant attested by Wm. Morgan & H N Drumgoole Whereupon E W Maynard appeared for the Defendant by virtue of said power of attorney and the defendant by her said Attorney acknowledges the plaintiffs action for One thousand three hundred and thirty nine dollars and twenty cents with Interest thereon from December 31st 1835 till paid and the costs. Therefore it is considered by this Court that the plaintiff recover against the Defendant the said Sum of One thousand three hundred and thirty nine dollars and twenty cents with legal interest thereon from the 31st day of December 1835 till paid & his costs by him about his Suit in this behalf expended. To be levied of the goods and chattels of the deceased in the hands of the Defendant to be administered - And the said Defendant in Mercy &c.

Pleffs costs $3.63

Copy Teste L R Edwards Clk

Account of Debts &c
against the estate of
James Rochelle dec.

Exhibit No II

Comr. Cobb's Report.

An account of all debts or demands against James Rochelle deceased or his estate proved before Wm W. Cobb one of the Commissioners of the County Court of Southampton pursuant to the notice herewith returned -

A judgment obtained by Littleton R Edwards against Martha B Rochelle Executrix of the decedant, in Southampton Circuit Court due December 31st 1835 for	$ 1339.20
Interest thereon to March 1st 1851	1218.64
Plaintiffs Costs -	5.63
Amount due inclusive of interest to March 1st 1851	$ 2563.47

Commissioners Office
Jerusalem March 1st 1851.

To the County Court of Southampton County -

Your Commissioner reports to the Court, that on the 20th day of January last, at the request of Littleton R. Edwards a creditor of the estate of James Rochelle dec'd he appointed the 28th day of February last at his Office at the Courthouse of said County, for receiving proof of debts or demands against the said decedant or his estate, and posted a notice of such time and place to the creditors of the said estate and all others concerned, at the front door of the Courthouse of said County, on the first day of two successive Terms of the County Court of said County, to wit. at January and February Terms last. That Littleton R. Edwards whose name is mentioned in the foregoing account, was the only creditor who appeared before the Commissioner at his said Office, upon the day specified in the notice - The said Littleton R. Edwards exhibited and proved to the Satisfaction of your Commissioner his debt against the said decedant as set forth in the account, upon which the Commissioner has computed the interest up to the date of this report, and on the date of this report finds the amount of the debt of the said Littleton R Edwards, inclusive of interest and costs to be $ 2563.47.

Commissioners fee $ 5.00
charged to L R Edwards
W. W. Cobb

Respectfully Submitted
Wm W. Cobb Com'r

Commissioners Office Jerusalem. Jany 20th 1851.

To the creditors of the estate of James Rochelle deceased and all others concerned

You are hereby notified that at the request of Littleton R Edwards a creditor of the said decedent I have appointed Friday the 28th day of February next at my Office, for receiving proof of debts or demands, against the said Decedent or his estate, at which time & place you are required to attend—

Wm W. Cobb Com

A Copy

Teste L R. Edwards CC

At a Court held for the County of Southampton on the 21st day of April 1851. The Commissioners report of all debts or demands against the estate of James Rochelle deceased having been in the Clerks Office one month and upwards and there being no exceptions thereto was examined, confirmed and ordered to be recorded—

A Copy

Teste. L R Edwards CC

Copy

James Rochelles

Will

A

I James Rochelle of the County of Southampton and State of Virginia do make this writing as and for my last Will and Testament as follows to wit.

1 It is my Will and desire that the tract of land I Purchased of William T Scott called Bucks containing 519 acres the tract of land I Purchased of the estate of John Thomas dec^{d} containing about 337 acres both lying near the Town of Jerusalem, a small tract of land containing about 80 acres lying on the South side of Nottoway River at or near chick-neck bridges and also a tract of land which I own lying in the County of Nansemond containing 192 acres be sold by my Executrix on such terms and at such time as she may think advisable, and that she execute legal deeds of Conveyance for the same and apply the proceeds of such Sales to the payment of my debts. 2 after the payment of my debts I lend unto my Wife all the rest and residue of my estate of what nature and kind soever during her life or widowhood for the maintainance of herself and Children requesting her to give them the best education my estate will afford.

3 And whereas my Son John and daughter Martha derived title to some Slaves by the death of their half brother which are in my Possession and has not been allotted to them Should they claim them independant of my estate It is then my Will and desire that so much more of my estate be allotted to my Son James as will make his estate equal to theirs—

Revoking all other Wills I do appoint my wife executrix of this my last will—

Given under my hand and Seal this 17th day of August 1835—

James Rochelle (Seal)

Teste

Wm A Spark

Clements Rochelle

Winney her X Doyle mark

At a Court held for the County of Southampton the 21st day of September 1835 The last Will and Testament of James Rochelle dec^{d} was this day Proved by

the oaths of William A Spark, Clements Rochelle & Winney Doyal the witnesses thereto and ordered to be recorded. And on the motion of Martha Rochelle the Executrix therein named who made oath and together with George Blow William A Spark and Samuel B Sims her securities entered into and acknowledged a bond in the penalty of Sixty thousand dollars conditioned as the law directs, Certificate is granted her for obtaining a Probat of said Will in due form

Teste

L R Edwards Clk C.C.

A Copy

Teste, Obrin White Clk

June 8th 1870

Rochelle Ina. W

To 3 Deed

Gurley Ina. M

This Indenture made and entered into between John W Rochelle of the first part and John M Gurley of the second part, all of the County of Southampton. Whereas James Rochelle deceased did by his last Will and testament duly made and of record in the Clerks of the County Court of Southampton, bequeath and devise all his estate both personal and real, unto his wife during her life or widowhood and that at her death or marriage the said estate should be divided in the manner therein directed, among his three children John W, James H. and Martha Rochelle now Tyler, all of which can be fully ascertained by reference to the said Will: Now therefore, this Indenture Witnesseth, that for and in consideration of the sum of fifteen hundred dollars to the said John W Rochelle in hand paid by the said John M Gurley at and before the Sealing of these presents, the receipt whereof is hereby acknowledged, he, the said John W Rochelle has given, granted, bargained and Sold, and by these presents does give, grant, bargain and Sell unto the said John M Gurley, all the interest and estate which he has or may have in possession, reversion, expectation or remainder in the estate of his Father James Rochelle deceased, both personal and real estate now in the possession of Martha B. Rochelle wife of James Rochelle deceased, which interest and estate can be more fully ascertained by reference to the said Will - To have and to hold the said estate and interest in remainder or reversion unto him the said John M Gurley and his heirs forever: and the said John W Rochelle for himself and his heirs does hereby covenant with the said John M Gurley and his heirs that his title to the said estate in remainder or reversion in the said James Rochelles estate unto him the said John M Gurley he will forever warrant and defend against all and every person whatsoever.
In Witness whereof he has hereunto set his hand and affixed his Seal this 17th day of October in the year of our Lord 1849.

Jno. W Rochelle (Seal)

Southampton County In the Clerks Office the 17th day of October 1849 - This Deed of bargain and Sale from: Jno. W. Rochelle to John M Gurley was acknowledged by the said Rochelle and admitted to record.

Teste

L R Edwards Cc

A Copy

Teste L R Edwards Cc

Surley

to J. B. Y. S.

Rochelle

1869 July 19th.

Recorded

Page 488.

This deed made This 7th day of July 1859 between
John M Gurley the grantor of the one part and
James B Rochelle the grantee of the other, Witnesseth
that the said John M Gurley for and in consideration
of the sum of eight hundred and twenty dollars
to him in hand by the said James B Rochelle at and
before the sealing and delivery of these presents the
receipt whereof is hereby acknowledged doth grant unto
the said James B Rochelle all his right title and
interest, of, in, and to the estate of James Rochelle
in possession, reversion or remainder both real and
personal estate, and the said right, title and interest
in the said estate can be more fully ascertained by
reference to a deed from John P Rochelle to John M
Gurley dated the 17th of October 1849, and the will of
James Rochelle died both of record in the Clerks Office
of the county court of Southampton, And the said
John M Gurley for himself and heirs doth hereby
covenant and agree with the said James B. Rochelle
his heirs and assigns, That he will forever warrant
and defend his right, title and interest in the said
James Rochelles estate to him against all and
every person whatsoever as Witness the following signature
and seal

Jno. M. Gurley (Seal)

Witness
Wm B Shands
Seth W. Cobb

Southampton County. In the Clerk's Office, July 19th 1859.
This Deed of Bargain and Sale was proved as to Jno M. Gurley by
the oaths of Wm B. Shands and Seth W. Cobb the subscribing
witnesses thereto, and was admitted to record

Test.

S R Edwards, C.C.

Know all men by these presents that we Wm B Shands & James H Rochelle

are held and firmly bound unto the Commonwealth of Virginia in the just and full Sum of two thousand Dollars.

To the payment whereof well and truly to be made to the said Commonwealth we bind ourselves our heirs executors and administrators, jointly and severally firmly by these presents.

Sealed with our Seals and dated this 15th day of July A D 1870

The Condition of the above obligation is such that whereas by a decree of the County Court of Southampton County rendered on the 20th day of June 1870 in a suit in Chancery therein pending between James H Rochelle & others Pltffs and William Shands an infant & Defendant

the above bound Wm B Shands was appointed Commissioner for certain purposes therein set forth Now therefore if the said Wm B Shands shall faithfully discharge the duties of his office or trust under the said decree and under any other decree which may be rendered in said suit, then the above obligation to be void otherwise to remain in full force and virtue

Executed before me

James R. Tyler, J.C.

Wm B Shands (Seal)

J. H. Rochelle (Seal)

(Seal)

(Seal)

In the Clerks Office of the Court of Southampton the day of 187

The within bond was acknowledged by the obligors thereto and the Securit made oath that estate after the payment of all just debts worth the sum of $ as verily believe.

Tyler &c

v. Note.

Rochelle &c

That a married woman may sue by next friend, see Daniell's Chancery Practice at the page referred to in the accompanying extract. A.

If Mr Tyler recovers anything it is obviously proper that it should be settled on her for separate maintenance.

It is not proposed to discuss the effect of the contract between Mr and Mrs Tyler, of which the exhibit B shows the purport. This relates entirely to the remainder, and may be discussed, when the remainder comes into enjoyment; if Mrs Tyler shall live to that time.

The practical question now is, as to the administration of the trust for Mrs Rachell's life.

The Bill is taken, pro confesso, as to Mr Tyler. It charges that he dealt with the executrix, fraudulently. He took property of her testator to pay what she contracted for individually. This won't do in Equity. Mr Edwards answers the Bill; but he admits that the debts, which he is paying, are the debts of Mrs Rachelle and not of Mr Rachelle. It is believed that he has become satisfied that

that his demand is inadmissible. X
If it could be made to appear that his advances were taken up by the trustee, for the purposes of the family, and further that there was now left an estate adequate to support the family and leave something besides, he might ask to come in for the surplus. But unhappily the estate is utterly inadequate to support the family. And this he knows, and accordingly he does not ask the expense of a reference to a commissioner. The rule, on this subject, is laid down in Markham & S. Guinard, reported in one of Leigh's Reports.

It is well settled that, where the enjoyment of property is to be had by a family in common, the respective shares cannot be separated so as to be subjected to debts of one of the beneficiaries.

But if Mrs Rochelle share could have been disintegrated originally, it is now too late. She has long since enjoyed it and more besides.

There appear to be no outstanding debts against the estate; and the executrix is now merely holding the property as trustee, under the will. She is manifestly unsuited for the trust; and she feels this herself, and is desirous to surrender it.

X
"There is no difference of opinion as to the prin-
"ciples applicable to this case. We all agree, that if an
"executor commits a fraud by improperly selling or
"pledging the assets of the estate, and the purchaser,
"or mortgagee, is a participator in that fraud, the
"sale or mortgage should be set aside as fraudulent."
Caldwell judge in Dodson & al. v. Simpson 14 2 Ran-
302.

A

where the property of a married woman is a subject of equitable cognizance, it is not material whether the aid of the Court is sought by the wife, or by the husband, or his representatives or assignees; and it is now certain that a feme covert may ~~file~~ herself file a bill for the purpose of having that to which she is entitled, secured to her and her family. (x) In Lady Elibank v. Montolieu (x) where a bill was filed by a married woman, against her husband, Lord Thurlow said that the only difficulty he had, was upon the form of the suit, whether a married woman by her next friend could be a plaintiff in this Court; but that with respect to that difficulty if upon the point of law, she was entitled and there was no way of asserting her right against her husband but by bill, that objection, he thought, did not weigh much, and his Lordship ultimately made the decree

Daniell' Chancery Practice Vol 1. page 89 at top 149 in the margin.

(w) Wortley v Marlar, cited in Mr Cox' note to Basil v Brandon 1 P. Wms 459, where the cases on this subject are all collected

(x) 5 Ves 743.

Note.

Tyler

~~Rochette~~

v.

Rochette

Mrs Rochelle is a mere trustee of the residue of the property, after payment of the debts. A trustee for the benefit of himself and other cestuis que trust.

The property in this bonds is committed to the support of the family and education of the children.

If there has ever any doubt about the power of such a trustee over such a fund, and the rights of the trustee creditors in it, none can reasonably remain in Virginia nowadays. Our Reports are full of like cases.

I refer to Hughes v Pledge 1 Leigh 443 Markham v. Guerrant & Wilkins 4 Leigh 279 Rowes v Archer 4 Leigh 550, Pertins trustee v. Dickinson &c 3 Grattan 335 and Mundy v. Vanderdale & Wells v Christian 4 Leigh 484 618.

In the last case it is held that, "where land is "conveyed in trust, first, that the debts of the grantor shall be paid out of the rents & profits; "second, for the support of the grantor his wife & "children, and third, to be divided among his children, the trustees have no authority to make sales of the land conveyed, for the payment of the "debts of the grantor or for any other purpose; however urgent the necessity for such sales.

"And a purchaser from the grantee of the land conveyed in trust, taking a conveyance from such "grantee & the trustees, has no title of the land; and "is bound to know the trustees have no power to sell "the land."

11

In Markham v. Guerrant & Watkins, S. M. Ingleed conveyed land & slaves and other personalty to W. H. in trust, for the support & maintenance of S. M and L, his wife, and their children and family during their joint lives and the life of the longest liver of them, remainder to their children, with full power to the trustee to manage the estate & sell any part of the trust subject to pay the debts of S. M. then due. S. M in the period of three years thereby, contracts a debt to merchants for goods furnished to an amount equal to the whole yearly profits of the trust estate.

Held, such debt could be charged by a court of Equity on the prospective profits of the estate, so as to deprive S. M's wife and children of support, that the trustee could not pledge such profits, necessary for the current support of the cestui que trusts, if contracted even by the trustee himself, for their just support, much less the debts contracted by one of the cestui questus without the trustee's consent or knowledge."

So are the other cases. All, and each, teach that one, in the situation of M^r^ Radcliff, cannot divert the fund from the purpose for which it was set apart. Courts of Equity will not tolerate such abuse. They constantly interpose and take control of and protect such trust funds.

Such aid is respectfully invoked here.

James Alfred Jones
for complainants.