

1835-023

SOUTHAMPTON COUNTY
CHANCERY PAPERS

KNIGHT'S ADM'R. VS. ROCHELLE'S ADM'R.

val

6/1835

other surnames: Gurley,
Maget, Thomas

To The Honorable Richard H. Baker Judge
of The circuit Sup. Court of Law & Chancery
for The county of Southampton

Your Orator James Magers
administrator ex testam. of Nathaniel Knight
decd. Respectfully complaining shews unto yr.
Honor That a certain John Rochelle executed
his bond during his life time to The aforesaid
Nat. Knight (a copy of which is herewith filed
marked (A) and prayed to be taken as a part
of This bill) and not very long after The exe-
cution of said bond both The said John
Rochelle and Nat. Knight died, That
Sally Knight administratrix on Nat. Knight
estate and John Thomas & James Rochelle
administrators on John Rochelle estate
that Sally Knight adm. ex. as aforesaid
instituted suit v. The said Rep. of Rochelle
and Recovered a judgment, There on, a
copy of which is herewith filed marked
(B) & prayed to yr. Honor says that The
said Sally Knight adm. as aforesaid never receiv-
ed during her life the said judgment and

She having and he has qualified as a competent
to non on said Nat. Knight's estate and under
the said by scire facias & The Rep. of John
Rockwell a copy of which is herewith filed
marked (C) and prayed &c and your brother
says that on examination he finds that the
said Rep. has received an account of their
transactions on said Rockwell's estate and
being the said estate in debt to them consi-
derably as will appear by a copy of said
account herewith filed marked (D) & pra-
yed &c and your brother says that it ap-
pears from the face of said account that
the said Rep. does not apply the assets
of said estate according to law but paid
debts of inferior dignity to the debt due
to Nat. Knight's estate in various instances
as will appear on said account, and
your brother says that he has now received
the debt aforesaid from the Rep. of Rockwell
nor can he issue any execution without
a circuitous process on account of the
particular & guarded manner in which the

said judgment is rendered and he further
says that if the said transactions on said
estate are just & correct, which to him they
do not appear, he respectfully shews
to your honour that the said John Ro-
ckwell left at the time of his death a
considerable real estate in this county
which has descended to and was at the
institution of this suit in possession of his
heirs at law (Set his children that he
left at the time of his death, namely
Lucy now the wife of Gen. S. Genby, Willis
Benjamin & Mary Rockwell for & in consideration
of the premises and that your brother is with-
out remedy unless by the interferences of a court
of chancery he prays that James Rockwell
surviving against of John Rockwell as
George S. Genby in right of his wife Lucy formerly
Lucy Rockwell Willis, Benjamin, & Mary Rockwell
Children of John Rockwell need be made
defendants to answer this bill and he prays
that the lands which the said John Rockwell
and property of (if the said Rep. has not

committed a default) may be subjected to
the payment of the debt of said said
said, and that on account of the
said Rep transactions may be rendered
showing the more particular nature of the
debts due from John Rockells estate & yr
brother further says that the special finding
of jury has and always will bar him from
his just rights although the rep of Rockells
by their own showing make it appear
that said said come to their hands which
they mis applied for & yr brother prays
for such relief against the Rep of said
as is consistent with the laws of this
land & the rules of this court for their
said administration, and for such further
& general relief as to this hon court may
seem fit & necessary in this behalf &
in which he will ever pray &c

1835. Apr. 13th
" done & signed
" J. J. P.

J. J. P.

Rockells &c

" 3 13th

Wagot &c

c

656

Magnet adn &

to Esch in bdy.

Rockelle &

April Term 1835

Executed by delivering
a true copy to Geo. G.
Gurley and Wm. T. Tully
Rockelle at March 29/1835
and James Rockelle &

Wm. Rockelle April
1/1835. - Bury Rockelle
no Inhabitant

Sup. Drawing and
Bury. Drawing skiff

The Commonwealth of Virginia:

To the SHERIFF of

Southampton

County.—GREETING:

You are hereby commanded to summon *James Rochelle surviving partner of*
John Rochelle and George G. Gurley and Lucy his wife formerly
Rochelle, Willis Rochelle, Benjamin Rochelle and Mary Rochelle
children and heirs at Law of the said John Rochelle and

before the Judge
to appear at ~~the Clerk's Office~~ of our Circuit Superior Court of Law and Chancery for the
County of Southampton, on the first ~~Monday~~ ^{day} of *the next term* next, that being ~~the~~
day, to answer a

Bill exhibited against *them*

in the said Court by

James Maget and D. B. Ains
of Nathaniel Knight and

And unless the said defendants shall answer the said bill, within four months thereafter, the
Court will take the same for confessed, and decree the matter thereof accordingly.

And this *they* shall in no wise omit, under the penalty of 100%.

And have
then there this writ.

Witness—JAMES ROCHELLE, Clerk of our said Court at the Court House, the *28*
day of *February* 183*8*, and in the *59* year of the Commonwealth.

James Rochelle. Ck

[One copy to be delivered to each defendant.]

Vaughan's adms
✓
Rockwell's adms

Copy sent for

Maget &
~ { En: with bill.
Rockwell &

Southampton Superior Court October 31st 1834.

James Maget admt de bonis non &c of Nathaniel Knight dec^d

against

James Rochelle surviving administrator of John Rochelle dec^d

Plff } Upon a Writ
of Scire facias
Def^t } &c

This day came the parties by their Attornies and the defendant for plea sayeth that no goods or chattels which were of the said John Rochelle dec^d at the time of his death have come to the hands of the said Defendant to be administered since the rendering of the judgment in the writ aforesaid neither whereof he could have satisfied the said judgment or any part thereof after having first paid and satisfied all debts of Superior debt. And of this he puts himself upon the Country and the plaintiff likewise, and thereupon came a Jury to wit, Harrison Jeynes, Frederick Taylor, Thomas Butts, Matthew Williams, Benjamin Lamb, John J Drake, James Graham, Edwin Gardner, Harrison Gardner, Howell Harris and James Jenkins, who being elected, tried and sworn the truth to speak upon the issue joined upon their oath returned a Verdict in the following words to wit; We the Jury find for the plaintiff the debt in the Scire facias mentioned, and we further find that no assets have come to the hands of the said Defendant since the rendition of the said Judgment. Therefore it is considered by the Court that that the plaintiff recover against the defendant the sum of One hundred and eighty dollars and ninety Cents with legal interest thereon from the 19th day of March 1834 till paid the debt and interest and the cost in the writ aforesaid specified and also his costs by him expended in suing forth and prosecuting his writ to be levied of the goods and chattels of the said John Rochelle at the time of his death which may hereafter come to the hands of the defendant to be administered. And it is further considered by the Court that the defendant recover ^{against} the Plaintiff his cost by him about his defence in this behalf expended. To be levied of the goods and chattels of the said Nathaniel Knight in the hands of the Plff to be administered.

A Copy
Teste James Rochelle C.C.

Knights adms
vs
Rochelle's adms

Copies

Magnet and
2 { Ex: with bill
Rochelle & Co

(a) Two days after date I promise to pay or Cause to be paid unto Nathaniel Knight or order the just and full sum of One hundred and eighty dollars and ninety Cents for Value rec^d of him Given under my hand and seal this 17th March 1817.

Teste
Wm. Nicholsons

John Rochelle Seal

Southampton Superior Court June the 5th 1824.

(c) Sally Knight adm^{or} of Nathl Knight dec^d vs. John Thomas & James Rochelle adm^{ors} of John Rochelle dec^d Def^s.

Plt. In Debt.

This day came the parties by their attorneys and on the motion of the defendants by their attorney they are allowed to plead and thereupon they pleaded Debts of Superior dignity to which the plaintiff by her attorney replied generally and thereupon issue being joined between the parties came a jury to wit, Joseph Dick, George G. Gurley, Robert Rickes, Robert Goodwin, George St. Gray, John Spencer, George Branch, James Kellekin, John Moore, Joseph Reese, Wm. Lawrence and William E. Lawrence, who being elected, tried, and sworn the truth to speak upon the issue joined, brought there into Court a Verdict in the words following to wit, We the Jury find for the plaintiff the debt in the declaration mentioned and a part his damages One Cent. We further find that the Defendants have fully administered the effects which have come to their hands to be administered, and we further find that there are debts of Superior dignity to that of the plaintiff now outstanding amounting to One hundred and ninety Dollars with interest on forty dollars part thereof from the 1st of January 1819. also interest on 75 Dollars from the 1st of January 1820 on seventy five Dollars from the 1st of January 1821 with the Cost of the Judgment as rendered herebefore by Judgments of this Court. Therefore it is considered by the Court the plaintiff recover against the defendants the sum of One hundred and eighty dollars and ninety Cents with legal interest thereon from the 19th of March 1817 till paid the debt in the Declaration mentioned and her Cost by her about her suit in this behalf expended to be paid of the goods and chattels of the defendant ^{at death} at the time of his death which may hereafter come to the hands of the defendants to be administered if so much after first paying and satisfying all Debts of Superior dignity to that of the plaintiff, now outstanding to One hundred and ninety dollars with interest on \$40. part thereof from the first of January 1819 also Interest on \$75 Dollars from the 1st of January 1820 also \$75 with Interest thereon from the first of January 1821 till paid with the Cost of the Judgment as rendered herebefore -

Copies
Teste James Rochelle C.C.