

1839-003

SOUTHAMPTON COUNTY
CHANCERY PAPERS

TURNER

VS. ROCHELLE'S ADMINISTRATOR ^{et al}

4/1839

Turner

v: } Papers-

Rochelles adm. 4th

1838. July. Bill filed. 5th Ex. on
 Min. at length. I want H. B. at home.
 other 1st no inhabitants -
 New 6th a

" Aug. C. Pub. v: Wm & Inc Rochelle -
 New 5th a v: Mary & Martha E.

" Sep: 5th a. Executed. 5th a. 1st infants.
 Oct. L. R. Edward as 1st 5th a. 1st infants.
 Nov: 1st a. 1st infants. L. R. & C.

1839. Mar. Set for hearing -

" App^l Dismissed -

3549 made

paid

Paid *[Signature]*

The Clerk of the Council



Sup. A. S. A. npton

Jerusalem

double

1838 July 25

Richardson

3 Nov

Amos

To the Judge of the Circuit Superior Court of Law
and Chancery for the County of Southampton,
humbly complaining, sheweth to the Court, some
orator John C. Turner of the said County - that
sometime in the year 1831 - one ~~the~~ Nathaniel
Rockell of S^campton County being indebted
upon an execution made for the sum of
or delivery bond payable to one Giles Reese for
Orrie & Broome - in the penalty of \$357.68
conditions for the forthcomig or delivery
of property therein named, at the time &
place of sale therein mentioned,

that the said forthcomig or delivery bond
was executed by the said Nathl. Rockell
and some orator as his surety, and to the
performance of which said indentures,
the said Nathl. Rockell and some orator
bound themselves, their heirs &c. (an attested
copy of the said writing obligatory marked
A (the original being filed in the Clerk's
Office of the Circuit Sup. Ct. of Law & Chy. for
the said County - and which copy is prayed to be taken as
a part of this bill - and some orator for the
shew that the said Nathl. Rockell (while
the said writing obligatory was in force
for a and after it (and after it had been
forfeited by the failure to deliver the
property at the time and place named
in the said bond) departed this life
intestate in the County aforesaid, and one
^{& Stephen} ~~Lawson~~ ^{Lawson} Sheriff and one David Rockwell
then of S^campton before the Court of said
County qualified as assessors: on the estate
of the said Nathl. Rockell, as said more
fully and at large appear by a certificate
of the Clerk of the County Court of S^campton
marked B. and which is prayed to be
taken as part of this bill. And some orator
aver that the said Nathl. Rockell, at the

time of his death was possessed of a very considerable personal estate, which came to the hands or possession of the said ^{Stephen} Mendall & said Rockell, or by our diligence might have been recovered to their possession. And now orator further sheweth that after the death of the said Nathl. Rockell and after the forfeiture of the said forthcom's in delivery ^{by the} ~~by~~ ^{after a judgment on said bonds of} ~~the~~ ^{the} said complainant was engaged by the said Mendall and Rockell to apply to a Court of Equity to enjoin the payment of the said forthcom's bonds and the money due thereby, upon the grounds that the said Nathl. Rockell (who was then dead) ~~was~~ was entitled to profit or discount, or in some way entitled to relief against said obligation which he could not obtain except in a Court of Equity. At that time there was an abundance of personal estate of the said Rockell in the hands of his widow; and believing that it was his duty to do all that he properly could to relieve the estate of his principal from the said debt by reason of the equity so engaged and set up by the said advisors now orator applies, and obtained from a Judge of the ^{Circuit} Superior Court of S.ampton County an injunction, whereby all proceedings at law were suspended against now orator and from what he was told by the representation of Rockell, he calculated certainly that he in no way was to be damaged; and to the surprise of now orator, at the last Circuit Superior Court of law and chy. for the County of S.ampton, the aforesaid injunction was dissolved and now orator has thereby, and by other legal proceedings, had in the said cause been compelled to pay to the sheriff of the said County the sum of \$335.57 —

for principal, interest, costs and damages — by virtue of the judgment against him or security in the aforesaid forthcom's bonds as aforesaid made by the said Nathl. Rockell in his lifetime, all which with appear by the receipts of ^{Saml. H. Brown} ~~Saml. H. Brown~~ ^{Deputy S.H.} for James S. Chapmanburg S.H. of S.ampton County which is hereto annexed and which with a copy of the execution returned satisfied are prayed to be considered part of this bill. And now orator further sheweth that the said Nathl. Rockell about the day of a.d. ~~departed~~ ^{departed} this life, and one Benjamin Swanwick of S.ampton is Curator or Committee of his estate, all which with appear by a certificate of the Clerk of the County Court of S.ampton hereto annexed and marked and prayed to be taken as a part of this bill; and the said Swanwick has received a large personal estate of the said Nathl. Rockell to the value of \$8000 and upwards. And the complainant charges that the said Nathl. Rockell left a widow, namely Frances Rockell who is dead since, and one Bethbert B. Barkham is her advisor; or with appear by a certificate of the Clerk of the County Court of S.ampton marked ^{which is} ~~which is~~ ^{prayed} to be considered part of this bill. And the said Nathl. Rockell left 4 children to wit, Wm. Rockell, John Rockell, Mary and Martha Rockell the last 3 are supposed to be under the age of 21 years. And now orator charges that upon the death of the said Nathl. Rockell his widow and children as his heirs at law possessed themselves of a considerable real estate in said County which he came to them from the said Nathl. Rockell

and which real estate is much more
than sufficient to pay and discharge and
the just debt of the said intestate. And now
orator further charges that upon the
death of the said estate. Rockwell, his
son: ^{Stephen} ~~James~~ Ellen Day & said coral
Rockwell possessors thereof of many valuable
able slaves and a large personal estate
beside, fully equal to the payment of the
debt of the intestate - and he also charges
that at the death of the said estate ~~Rockwell~~
there were upon the farm from ten to 20
bales of cotton ready for market ^{Stephen} ~~James~~
that the said son Rockwell and ~~James~~
said daughter or one of them, sold the said
cotton for a high price in Peterburg
elsewhere; and he charges that there was
in the house, a very considerable
quantity of bacon and other provisions
and that he has reason to believe and
charges that the cotton, bacon & many
other articles have been sold or parted
by the knowledge, consent & participation
of the said son: or some one of
them, and that no account of the
said articles has been rendered either
by the way of inventory or otherwise,
and that a considerable part of the
estate of the intestate has been improperly
converted and misapplied by some
one of the son: for which both are
responsible. And now orator further charges
that altho he has made frequent
applications to the said ^{Stephen} ~~James~~ Ellen Day
surviving son: of the said estate ~~Rockwell~~
for the payment of the debt, or as aforesaid
paid by him as surety for the intestate
yet now orator has received no part thereof,

the said daughter alleging that as
~~committed~~ ^{son}: of the said estate
Rockwell he has no estate out of which
debt or other demand can be paid
nevertheless the said widow in her
lifetime and the said son the often
requested to pay the said debt, or as
aforesaid and now orator insists that
the real estate aforesaid, ought not to be
sold, or in any way made responsible
or liable for the payment of the same,
all which is contrary to equity and
conscience. And now orator charges
that as the bond in which he was
surety for the said son & daughter
Rockwell bound his heirs and assigns
his real estate descended, he has a
right in this honorable Court to be
substituted or stand in the place of
the said Giles, Men and Orris & Brown
the obligees & beneficiaries of the
said bond to be paid out of the real estate
in default of the personalty to have
an account of the real & personal
estate of the principal obligor ~~Rockwell~~
Rockwell, and now orator prays that
he may be paid his just demand
in preference to any creditor or simple
contract, or to any creditor on special
ty in which the heirs are not bound.
And now orator further charges that
beside the real and personal estate
aforesaid, the said estate ~~Rockwell~~
his death was entitled to a very consi-
derable share in remainder of the slaves
held by one ^{Rockwell} ~~James~~ or widow of one
Ellen Day, by name of the said Rockwell

in his lifetime having purchased the inter-
-est of one ~~of the~~ ^{Richd. B. Dwyer} ~~of~~
the remainder - and now in a
charge, that the said interest in reman-
-der is to be in the hands of the
said Nathl. Rockwell, and is respon-
-sible for payment of the debts of the
intestate - yet now orator is denied
payt. of his just demands - all which
is contrary to equity. In tender con-
-sideration whereof, and that as said is
now orator is otherwise remediless,
he prays, that the said ^{Wife} ~~James~~ decedent
surviving widow of Nathl. Rockwell,
Reyn. Dwyer, Committee of the estate
of said Rockwell and: but that he
Barham widow of James Rockwell,
son Rockwell, John Rockwell, Mary and
Martha & Rockwell the last infant
by proper p^r. as litigant, and all other
proper persons, may be made defendants
to this bill, and be compelled upon their
corporate oath, fully, perfectly & true
answers to make to all singular
the allegations aforesaid, matters and
premises as fully and particularly
as if the same were herein again
repeated, and they should be
especially interrogated - that they
may set forth whether the said Nathl.
Rockwell did, not in his lifetime, make
and execute the said forth coming or
delivery bond with now orator his
surety, and whether it was not due
at his death being so by now orator,

and lining the heirs of the said Nathl.
Rockwell, whether the said intestate was, not at
his death seized in fee, or otherwise of some
considerable estate of inheritance, or what
real estate, and of what absolute and annual
value thereof, and that the said decedent
surviving widow of the said Nathl. Rockwell
and the said Dwyer, Committee of the
estate of the said son & Rockwell, who was one
of the widows of N. Rockwell, set forth whether
aforesaid sufficient to pay them or either of them
properly their share of profits of the estate of the
said N. Rockwell, and of what kind, value
and description, whether the intestate did
not (among other things) leave a large quan-
-tity of cotton and what was done with
it, and that the said decedent and the
said Dwyer, Com. of the estate of the
said Nathl. Rockwell may admit profits
of the said Nathl. Rockwell in hand sufficient
-ent to pay now orator's demands, or that
they may set forth and discover a true &
particular account of the said intestate's
personal estate: that the said Dwyer may
render an account of the estate of said Rockwell
which has come to his hands, to be answered:
that the said heirs of the said Nathl. Rockwell
may set forth whether they or any of them
have properly their share of the real estate
whereof the said intestate was entitled, or
also a particular account of the same,
and where the same lies, together with the
names of the persons in whose tenure the
same now is: and now orator prays,
that in case the personal estate of the said
intestate shall not be sufficient to pay and
satisfy now orator's said demands, that then
the said real estate may be sold, or so much
thereof as shall be necessary, and that out of
the money arising therefrom, now orator &
other the creditors of the said intestate who

shall come in and contribute to the expense of
the said pint, may be paid their debts within
-rest and cost, and that you may be
otherwise relieved in the premises, as the
nature and circumstances of the case require,
and as to your honor shall seem meet.
May it please

Ch. Atkinson Esq

To The Honorable 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 orator John C. Turner of the County aforesaid: That some time or about the Third day of February in the year of our Lord one Thousand eight hundred and thirty one he became bound as surety in a certain writing obligatory commonly called a forthcoming bond for one Nathaniel Rochelle who was styled in the said, administrator of Edwin Turner decd and which forthcoming bond was made payable unto Giles Reese who sued for the benefit of Orris A. Brown. That at the present term of the Court April 1835 a judgment and award of execution on the said forthcoming bond has been obtained against your orator as the surety as aforesaid in favor of Harry Harris curator of the said Giles Reese for the benefit of the said Orris A. Brown and an execution will be immediately issued thereon whereby your orator's property will be seized and made liable to pay a debt, which he is advised ought not to be paid either by the estate of his principal Nath. Rochelle or by himself - Your orator begs leave further to state, that the said Nathaniel Rochelle in his life time by the title and description of Guardian of John A. Turner, recovered against the said Giles Reese in the late Superior Court of Law for the County of Southampton, four different judgments founded on writings obligatory, the principal of which besides interest &c. amounts to upwards of five hundred dollars. Office copies of the said judgments together with an Office copy of the judgment entered by this court against your orator as also an Office copy of the Judgment Reese for Brown v. Rochelle a said Turner are herewith filed as Exhibits and prayed to be received as a part, of this bill. And your orator further charges that the estate of the said Giles Reese is insolvent and that the estate of the said Nathaniel Rochelle is very much embarrassed and is generally reputed to be insolvent: He is advised that the judgment entered against Giles Reese in favor of the said Nath. Rochelle is a Court of equity and fair and proper discounts or set-offs against the Judgment recovered by Reese for Brown, against Nathaniel Rochelle, which at Law they could not be received: and that as your orator has become innocently involved as surety for the said Rochelle, on the judgment aforesaid, he is entitled to the same relief in the same plight and condition, and succeed to all the rights to which the said Rochelle would be entitled and your orator is advised that the only mode and remedy proper to be adopted by him to prevent manifest injustice loss and injury is by asking for relief in a Court of equity, which he now does and hopes that the aid of this Court will be extended to him. In tender consideration whereof and for as much as your orator is entirely remediless in the premises save by the interposition of your Honor, he prays that the said Harry Harris as curator of the estate of the said Giles Reese and the said Orris A. Brown may be made defendants hereto, with oath and proper words to charge them, and be compelled upon their corporate oaths full true just and perfect answers make all and singular the allegations aforesaid, as fully and particularly as if the same were here again repeated and they therein interrogated especially and particularly. That your Honor will enjoin and restrain the said Harry Harris curator of the said Giles Reese Orris A. Brown and all other proper persons from proceeding on the judgment and execution aforesaid, until the matters in controversy shall be fully and properly heard and decided and that your Honor will be pleased to grant your orator such other and further relief in the premises as shall be more consistent with the principles of equity and a good conscience. He prays

the Com. wealth. writ of Subpoena & directed by command of

Printed & Parker p. q.

Sworn to in open court by Jno L. Turner Apr 3. 1835. J. R. Edwards D. C.
Southampton Superior Court November Term 1829.

Nathaniel Rochelle who is sometimes called Guardian to John A. Turner Plff

against
Giles Reese

Def

In Debt

The defendant still failing to appear. on the motion of the plaintiff by his Attorney it is considered by the Court that the plaintiff recover against the defendant the sum of one hundred and fifty dollars and fifty cents with legal interest thereon from the 25th day of December 1828 till paid the debt and interest in the declaration mentioned and his costs by him in this behalf expended. and the said defendant in Merit &c

Plff's cost \$7.62

A Copy Teste James Rochelle Clk

Southampton Superior Court November Term 1829.

Nathaniel Rochelle who is sometimes called Guardian to John A. Turner Plff

against
Giles Reese

Def

In Debt

The defendant still failing to appear. on the motion of the plaintiff by his Attorney it is considered by the Court that the plaintiff recover against the defendant the sum of one hundred and fifty dollars fifty cents with legal interest thereon from the 25th day of December 1828 till paid the debt and interest in the declaration mentioned and his costs by him in this behalf expended. and the said defendant in Merit &c

Plff's cost \$7.62

A Copy Teste James Rochelle Clk

Southampton Superior Court November Term 1829.

Nathaniel Rochelle who is sometimes called Guardian to John A. Turner Plff

against
Giles Reese

Def

In Debt

The defendant still failing to appear. on the motion of the plaintiff by his Attorney it is considered by the Court that the plaintiff recover against the defendant the sum of one hundred and fifty dollars and fifty cents with legal interest thereon from the 25th day of December 1827 till paid the debt and interest in the declaration mentioned and his costs by him about his suit in this behalf expended. and the said defendant in Merit &c

Plff's cost \$7.62

A Copy Teste J. R. Edwards Clk

Southampton Superior Court November Term 1829.

Nathaniel Rochelle who is sometimes called Guardian to John A. Turner Plff

against
Giles Reese

Def

In Debt

The defendant still failing to appear on the motion of the plaintiff by his Attorney it is considered by the Court that the plaintiff recover against the defendant the sum of one hundred and fifty nine dollars eighty cents with legal interest from 25th day of December 1828 till paid the debt and interest in the declaration mentioned and his costs by him in this behalf expended And the said Defendant in Merit &c

Plff's cost \$7.62

A Copy Teste James Rochelle Clk

Southampton Superior Court November Term 1830

Giles Reese who sued for Boris A. Brown

Plff } In Case

against

Nathaniel Rochelle adm. with the Will annexed of Edwin Turner dec'd Def

this day came the parties by their Attornies and thereupon came a jury to wit, William M. Cutler Nathaniel Blou, Divins Leiby, Bennett R. Whitfield, Packer Barnes, Patrick Does, William T. Magy, James Blow, John Sykes, Thomas Stoney, Thomas Harrison and Allen Edwards, who being sworn to speak the truth to speak upon the issues joined upon objections being made by the plaintiff to the offsets filed by the defendant, they were withdrawn, whereupon the jury upon their oath returned a verdict in these words "We of the jury find for the plaintiff and assess his damage to one hundred and fifty two dollars" Therefore it is considered by the Court that the plaintiff recover against the defendant his damages assessed as above said and his costs by him in this behalf expended. to be paid of the goods and chattels of the said decedent in the hands of the defendant to be administered and the said Defendant in Merit &c

Plff's cost \$17.73. etc

A Copy Teste James Rochelle Clk

Southampton County Circuit Superior Court April Term 1835.

On the motion of John L. Turner, who filed his bill and made oath thereto according to law, an Injunction is awarded him to stay until the further order of the Court all proceedings on a Judgment at Law therein obtained on the second instant, by Harvey Harris executor of the estate of Giles Reese dec'd for the benefit of Boris A. Brown against the said John L. Turner on a bond taken for the forthcoming of property at the day of sale. But the effect of this injunction is to be suspended until the said John L. Turner shall enter into bond with one or more sufficient securities in the Clerk's Office in a penalty equal to double the money recovered by the said Judgment with such conditions as the law requires and until he shall also file with the Clerk a release of all errors at law in the judgment and proceedings

To the Hon. R. H. Baker Judge of Superior Ct. of Law & Chancery. First Judicial District first term.

The answer of Boris A. Brown to the bill of Injunction exhibited against himself and Harvey Harris executor of Giles Reese dec'd by John L. Turner. Your respondents for answer to the bill of the complainant, or unto so much thereof as he is advised that it is any way material for him to make answer to answering says that retaining to himself all benefit of exceptions that may hereafter arise, he admits most of the facts as set forth in the bill of Injunction to be true, that he believes the statements of the complainant as to the insolvency of the estate of Nathaniel Rochelle to be true, that the estate of Nathaniel Rochelle is closely bound to the Ward to the amount of the bonds that are sought to be offset, that the sa. Rochelle rendered himself liable by his failure to sue surety of Giles Reese, when it was notorious that the sa. L. Reese was insolvent & by his failure to sue at an earlier day that independent of these facts that on certainly entitled to arise in a Court of Equity the offsets themselves were properly rejected at Law, so also ought they to be rejected in equity not being mutual and due in the same right, that he considers the complaint as untenable

to no equity in as much as he became bound by his own act and deed voluntarily & with the facts and circumstances. That the ward can only look to the Guardians for a fair & just settlement of his accounts. That your respondent is an innocent person, a purchaser for a valuable consideration & as such entitled to the protection of this court. He begs leave to refer your Honor to the facts that the claims were considerably reduced by the Jury. That your judgment thereon, whereby he sustained an injury to that amount, he prays the protection of this court & further prays the Injunction may be dissolved - having answered he prays to be dismissed &c

Ridley for Deft

Greenville County to wit

August 5th 1835. This day Boris A. Browne personally appeared before me a Justice of the peace and made oath to the allegations of this answer so far as they are stated on his own knowledge & declared his belief of them, so far as they depend upon the information received from others. Given under my hand &c. at the day and date above mentioned

A. J. B. Murrell J. Peace

Southampton County Circuit Superior Court April 4th 1838

John C. Turner

against

Harvey Harris curator of the estate of Giles Reese decd. & Boris A. Browne Defts

Pliff

The defendants Harvey Harris curator of the estate of Giles Reese decd. who is out of this country and against whom the plaintiff appears to have proceeded in the mode prescribed by Law against absent defendants, still failing to appear and answer, on motion of the plaintiff, by counsel, his bill is taken for confessed as to that defendant, and the cause coming on to be heard on the bill answer of the defendant Browne, replication thereto and exhibits filed, was argued by counsel: On consideration whereof the court doth adjudge, order and decree that the injunction awarded the plaintiff on the 3rd day of April, one thousand eight hundred and thirty five, to enjoin the defendants from further proceedings on a judgment recovered by the defendant Harris curator of the estate of Giles Reese decd. for the benefit of the defendant Boris A. Browne against the plaintiff on the common law side of this court on the 2nd day of April 1835, for the sum of three hundred and eighty seven dollars sixty eight cents and costs to be discharged by the payment of one hundred and seventy eight dollars and eighty four cents with legal interest thereon from the 2nd day of February 1837 till paid and the costs - be dissolved, that the bill of the plaintiff be dismissed and that he pay the defendants their costs by them about their defence in this behalf expended.

Copies Teste L. R. Edwards clk.

W. A. with page 600

Turner
n
300 papers
Reese's executor for Browne

Turner

or } Or: Pub:

Rochelle or J^d

Copy posted at the front door
of the C^t. House by
S^r Edwards &c

At Rules held in the Clerks Office of the County Superior Court of Law & Chancery for
the County of Southampton on the first Monday in August 1838

John C Turner

against

Plff:

In Chancery

Stephen Mordaunt surviving administrator of Nathaniel Rochelle dec'd
Benjamin Dewar Committee of the estate of William L Rochelle dec'd
who was administrator of Nathaniel Rochelle dec'd, Cuthbert D Barham
administrator of Frances Rochelle dec'd and William, John, Mary and
Martha E Rochelle

Dfts

The defendants William and John 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 Newspaper published in the Borough of Norfolk for two months successively and posted at the front door of the Courthouse of this County.

Rochelle

v { Ans. of infants

Rochelle

1838 Oct 31

To the Judge of the Circuit Sup. Ct. of Law and
Chy. for s: aupton - the answers of John,
Mary and Martha 2 No child infant of
seven years by Littleton Flowers guardian
as listed by the Court appointed. The defendants
saw and receive s: for answer say they are
too young to know any thing of the justice of
the answer of the plff: I submit their intent to
the care of this Court - They deny the truth of
the allegations in the plff: Bill, and accept
of their proofs - Having answered, they
may here be dismissed &c.

(Signed) J. R. Edwards Jr. 8th

s: aupton County Geo. Littleton Flowers as man
oath before me that the foregoing answers are true
so far as he knows or believes - given
under my hand as a justice of said County
the 2nd Nov. 1838 -

J. R. Edwards, J.

Turner

n } Spa in Chy
Rockelles

1838 July Ruces

Executed on Stephens
Margaret & Ben. Dwyer
Jas H. Selwell dep. of
Jas D. Maperburg

Executed on
Ed. Berhane

Wine Jno Mary &
Martha & Rockelle no-
inhabitant
J. W. Dromgoole dep. of
J. D. Maperburg

Deceived a copy to J. M. Dwyer June 26th 1838

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Stephen Cunningham*
survivor and one of Nathl. Rockwell
Benjamin Devany, committed of the
estate of Bm. L. Rockwell who was admr
of Nathl. Rockwell, but that Benjamin
and one of Francis Rockwell, from John,
Mary and Martha & Rockwell

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 *July*
next, to answer a Bill in Chancery exhibited against *them* in the said Court by

John C. Turner

And unless *they* shall answer the said Bill within four 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 *20th* day of *June* 1838, in the
62^d year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

656

Turner

a { Sp. in Chy

Rockelle Y

1838 August Rules

Enclosed 22^d July 1838 on Martha E & Mary
Rockwell by delivering as a copy. Wm & Mrs Rockwell
no inhabitants of my bailiwick

Wm F Harrison Treasr
Henry Maron Sheriff

✓
L.S.B.

Turner

to 3 Sp. in City

Rockwell &c

1838. August Rules

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{County} ~~Southampton~~ County, Greeting:

We command you that you summon *William Rochelle. John Rochelle. Martha
E. Rochelle and Mary 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 *August* next, to answer a Bill in Chancery exhibited against *them* ^{others} in the said Court by

John C. Turner

And unless *they* shall answer the said Bill within four 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 *2^d* day of *July* 1838, in the *62^d* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

Turner

or { Proff Park

Richelles av H

1838 Nov: 5th

AT Rules holden in the Clerk's Office of the Circuit Superior Court of Law and Chancery for the County of Southampton on the first Monday in August 1838.

John C. Turner

AGAINST

Stephen Murdaugh Administrator of Nathaniel Rochelle, dec'd., Benjamin Devany Committee, of the estate of William L. Rochelle, dec'd., who was Administrator of Nathaniel Rochelle, dec'd., Curthbert D. Barham Administrator of Frances Rochelle, dec'd., and William, John, Mary and Martha E. Rochelle Def'ts.

The Defendants William and John 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 Borough of Norfolk for two months successively and posted at the front door of the Courthouse of this County. A Copy—Teste.

aug 13 mm

L. R. EDWARDS, C. C.

Pl'y.

IN CHANCERY.

I CERTIFY that the annexed Notice, in the case of Turner
vs Murdaugh, adm. N. Rochelle has been inserted
for two months — successively,
in "THE AMERICAN BEACON," Newspaper, published in Norfolk, Va.
commencing Aug 13th.

Wm B. Briggs

of Shields, Ashburn & Grigsby,

Publishers of the Beacon.

Sworn to before me, an Alderman of Norfolk Borough, by *Wm B. Briggs*
this 26th day of October
1838

Wright P. Santhgate

To SHIELDS, ASHBURN & GRIGSBY, } Dr.

Office of the American Beacon and Norfolk and Portsmouth Daily Advertiser, }

183

To publishing Notice in the Case of Turner
vs Murdaugh, adm. N. Rochelle &c — } \$ 5.00

*Received,
Wm B. Briggs*



10

The Clerk of Southampton Court
Jerusalem
Southampton Co
Va

1881 July 29

Richardson

Wm. H. H. H. H.

Chambers



VT Rules holden in the Clerk's Office of the Circuit Superior Court of Law and Chancery for the County of Southampton on the first Monday in August 1838.

John C. Turner

Plt'f.)

IN CHANCERY.

AGAINST
Stephen Murdaugh Administrator of
Nathaniel Rochelle, dec'd., Benjamin De-
vany Committee of the estate of William L.
Rochelle, dec'd., who was Administrator
of Nathaniel Rochelle, dec'd., Curthbert
D. Barham Administrator of Frances Ro-
chelle, dec'd., and William, John, Mary
and Martha E. Rochelle Def'ts.

The Defendants William and John 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 sa-
tisfactory evidence that they are not inhabitants
of this country, it is ordered that the said de-
fendants 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 in-
serted in some newspaper published in the Bo-
rough of Norfolk for two months successively
and posted at the front door of the Courthouse
of this County. A Copy—Teste.

aug 13 m m L. R. EDWARDS, C.C.

I CERTIFY that the annexed Notice, in the case of *Turner*

vs S. Murdaugh & Adm N. Rochelle &c has been inserted
monthly successively,

in "THE AMERICAN BEACON," Newspaper, published in Norfolk, Va.

commencing Aug 13th 1838

Hugh Briggs

of Shields, Ashburn & Grigsby,

Publishers of the Beacon.

Sworn to before me, an Alderman of Norfolk Borough, by *Hugh*
B. Briggs this 21st day of January
1839 *Wm G. Camp Alderman*

A. H. Kenyon Esq

TO SHIELDS, ASHBURN & GRIGSBY, } Dr.

Office of the American Beacon and Norfolk and Portsmouth Daily Advertiser,

183

To publishing Notice in the Case of *Turner*
vs Murdaugh &c &c } \$ 5.00

Received of *J. Geo. Whitman*
Oct 26th 1838
Hugh Briggs

Sup M Jan 21st 39

Sir,

At the request of Archibald
Atkinson Esq: enclosed in a letter from him
dated the 15th inst. but received this day only, I
transmit the within notice to you. I should
observe that I have mailed an authenticate
copy of this same notice to you on the 20th pld
last, according to his order.

Respectfully,

Wm. M. W.

To the Clerk of Southampton
Consist.

Hugh B. Briggs

Deacon Office N. York Jan 21st 39

Turner

2 } Exhibit will Bill

Rochelle's car 8.

13.

Southampton County Court February 17th 1834.

Frances Rochelle widow of ~~William~~^{Nathaniel} Rochelle dec^d relinquished her right of administration on her deceased husband's estate in favour of William L Rochelle and Stephen Murdough. On the motion of the said William L Rochelle and Stephen Murdough who made oath and together with Peter Edwards & William D Phillips his securities entered into and acknowledged a bond in the penalty of Twelve thousand dollars Conditioned as the law directs, Certificate ^{granted} is then for obtaining letters of administration on the estate of the said Nathaniel Rochelle dec^d in due form -

Teste. L R Edwards Clk

Turner

2 } Ex. w. Bill

Rochelle's ad

Know all men by these presents, that we Nathaniel Rochelle and John C. Turner are held and firmly bound unto Giles Reese who sues for Aris A Brown in the just and full sum of three hundred and fifty seven dollars & 68/100 to be paid to the said Giles Reese as aforesaid certain attorney his heirs executors administrators or assigns to which payment well and truly to be made we bind ourselves jointly & severally and each of our joint and several heirs executors and administrators firmly by these presents. Sealed with our seals and dated this third day of February One thousand eight hundred and thirty one.

The condition of the above obligation is such that whereas Giles Reese who sues for Aris A Brown hath sued out of the Superior Court of Southampton a writ of fieri facias against the Estate of the above bound Giles Reese for the sum of one hundred & seventy eight dollars & 84/100 including interest cost and commissions which writ hath been duly executed by S. Murdaugh Deputy of the County of Southampton on the following property to wit: Two horses and two mules and the said Nathaniel Rochelle being desirous of keeping the aforesaid property in his possession until the day of sale of the same, hath tendered the above bound John C. Turner as security for the forth coming and delivery of the said property at the place and on the day of sale agreeable to said. Now if the said Nathaniel Rochelle or John C. Turner or either of them do and shall deliver the aforesaid property to me the said Stephen Murdaugh Deputy as aforesaid, at Jerusalem in the said County of Southampton on the third Monday in March next being Court day then and there to be disposed of according to law for the discharge of the said writ of fieri facias, then and in that case the above obligation to be void or else to remain in full force and virtue.

Signed Sealed and delivered
in the presence of
Stephen Murdaugh

Nathl Rochelle Seal
John C Turner Seal

Southampton Circuit Superior Court April 2^d 1835

Nathl Harris Curator of the estate of Giles Reese Dec for the benefit of
Aris A Brown
against
John C Turner

Plff }
Deft } A motion upon a
bond taken for the

forth coming of property at the day of sale.
This day came the parties by their attorneys who being fully heard it is considered by the Court that the plaintiff may have execution against the defendant for the sum of three hundred and fifty seven dollars, sixty eight cents the benefit of the said bond and his cost by him about his motion in this behalf expended. And the said defendant is may go. But this execution may be discharged by the payment of one hundred and seventy eight dollars eighty four cents with legal interest thereon to be computed from the 3^d day of February 1831 till paid and the cost.

Copies Teste L R Edwards CLE

Turner

to } Ex: with Bill

Rockwell as if

Southampton County Court July 20th 1835.

Ordered that the Estate of William S Rochelle do be committed to the hands of Benjamin Derany Sheriff of this County for the safe keeping and good management thereof during the contest about the will of the said William S Rochelle or untill the further order of the Court.

Teste L R Edwards Clk

Turner

v } Exhibit with Bill

Rockwell's ad. H.

Southampton County Court. December 18th 1837.

On the motion of Gilbert D Barham who made oath and together with
Samson C Reese and John Barham his securities entered into and acknowledged
a bond in the penalty of three thousand dollars Conditional as the law directs
Certificate is granted him for obtaining letters of administration on the estate
of Frances Rochelle dec^d in due form.

Teste L R Edwards Ck

Junner

→ } Ex. nr. B. 10

Recherches ad

The Commonwealth of Virginia

To the Sheriff of Southampton County... Greeting

We command you that of the goods and chattles of John & Turner late in your bailiwick you cause to be made the sum of sixteen dollars and thirty one Cents which Hardy Harris Curator of the estate of Giles Reese dec'd of Orris et Brown. lately in our Circuit Superior Court of Law and Chancery for Southampton County have recovered against the said John & Turner for their by them about their defence expended of a certain Injunction at the suit of the said John & Turner whereof the said John & Turner is convicted as appears to us of record And should you shall have executed this writ make known at the clerks office of our said Circuit Superior Court of Law and Chancery, at the rules to be holden for the said Court in the first Monday of July next. And have there this writ. Witness Littleton B Edwards Clerk of our said Court, at the Court house this 10th day of April 1838 in the 62^d year of the Commonwealth

Teste L B Edwards Clk.

Attest J B Edwards Clk.

Cost — 19.31
Shff Comr. 90
of 20.21

Satisfied Edw^d Batts Ds.

Turner

2 } Ex. no. B. 10

Rochester

The Commonwealth of Virginia. To the Sheriff of Southampton County Greeting
 We command you that of the goods and chattels of John C. Turner late in your bailiwick
 you cause to be made the sum of Three hundred and fifty seven dollars and sixty eight cents
 which Hardy Harris Curator of the estate of Giles Reese dec'd for the benefit of Orris & Brown
 lately in our Circuit Superior Court of Law & Chancery for the County of Southampton hath
 recovered against him by motion on forthcoming bond: also five dollars and seventy
 two cents which to the said Hardy Harris Curator of the estate of the estate of Giles Reese dec'd
 in the same Court were adjudged for his cost by him in that behalf expended also
 sixty eight dollars and seventy five cents to which the said Hardy Harris Curator of the
 estate of Giles Reese dec'd for the benefit of Orris & Brown is entitled by reason of the said
 John C. Turner retarding the execution of the judgment aforesaid by an injunction
 which injunction is wholly dissolved whereof the said John C. Turner is convicted as appears
 to us of record and how you shall have executed this writ make known at the clerk's
 office of our Circuit Superior Court of Law and Chancery at the rules to be holden
 for said Court on the first Monday in July next and here there this writ
 Witness Littleton R. Edwards clerk of our said Court at the Courthouse the 10th day of
 April 1838 in the 62nd year of the Commonwealth

Teste L. R. Edwards C. C.

Memo. This execution is to be discharged by the payment of one hundred and
 seventy eight dollars and eighty four cents with legal Interest thereon from the 3^d day
 of February 1831 till paid and the damages within mentioned and the cost as
 Interest on the above sum is not to be calculated between the 3^d day of April 1835
 and the 4th day of April 1838 the same being included in the damages within mentioned

Teste L. R. Edwards C. C.

Debt due Feby 3/1831	178.84
Int to April 3/1835	44.70
Int to June 18/1838	2.22
Damages	68.75
Cost	5.72
	300.23

Shffs Com^d 15.01

\$ 315.24

Satisfied Edw^d Butts J. S.

Attest

Teste L. R. Edwards C. C.