

1852-010 SOUTHAMPTON COUNTY
CHANCERY PAPERS

TYLER, R. J. vs. ROCHELLE et al

11/1852

N.B. Several sheets pasted together + folded

All also: Gundry v. Shand etc 1853-7
Tyler v. Rochelle, 1881

Other SURNAMES: Hines,
Murfee, Hicks, Davis,
Goodwyn, Armstrong,
Miars, Smith, Barrett,
Prentiss, Drewry, Newsom,
Griffin,

Tyler by
DS 3 Papers-
Rockwell tal.

1852 November

47 # # # 11

Tyler by Jc

v. } Papers.

Rochelle Jc

Tyler by J^d

to } Stat. Rules

Rochelle J^d

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

Martha B. Rochelle, Simon Murfee, Ansley Davis, Lewis F. Hicks, John Tyler Jr.
John W. Rochelle & James H. Rochelle.

1850 May Term. Bill filed & Injunction awarded

" " 8th Bond & Security given, Spas. & Injon. issued -

" June R. - Spas. returned executed on Defts. Martha B. Rochelle, Simon Murfee
Ansley Davis, Lewis F. Hicks & John W. Rochelle - John Tyler Jr. &
James H. Rochelle no inhabitants - Order of publication against Defts.
John Tyler & James H. Rochelle -

" " 20th Amended bill filed. Spas. issued.

" July R. - Spas. ret? Executed on Defts. Martha B. Rochelle, Ansley Davis, &
Lewis F. Hicks - John W. Rochelle & Simon Murfee not found - New Spas.
awarded to Defts. John W. Rochelle & Simon Murfee - Order of publica-
tion against Defts. John Tyler Jr. & James H. Rochelle & Decree nisi to Defts.
Martha B. Rochelle, Ansley Davis & Lewis F. Hicks.

" Aug. R. - Spas. ret? executed on Defts. John W. Rochelle & Simon Murfee - Bill
taken for confessed as to Defts. Martha B. Rochelle, Ansley Davis & Lewis
F. Hicks - Decree nisi to Defts. John W. Rochelle & Simon Murfee.

" " 20th Answer of Deft. Simon Murfee

" Sept. R. - Gen. Rep: to answer of Deft. Murfee - Bill taken for confessed as to
Deft. John W. Rochelle - Cause set for hearing as to Defts. Martha B.
Rochelle, Ansley Davis & Lewis F. Hicks

" Oct. " - Cause set for hearing as to Defts. Simon Murfee & John W. Rochelle.

" Nov. T. Continued

1851 May T. Continued.

" Nov. " Answers of Defts. J. W. Rochelle & Ansley Davis Gen. Rep: and leave for Defts. J. W.
& James H. Rochelle to file their cross bill.

1852 May. Continued

" Nov. T. December each paying his own costs.

Tyler

~ } Bill

Rockwell Galt

1850 May Term. Inj. awarded
 " 8: Bond & Security - 3p - 4
 Inj. m. awarded -

(1840 words,

To the Honorable Richard H. Baker judge of the
ancient superior court of law and chancery for
Southampton County in chancery sitting

Humbly complaining shews unto your
Honor Martha F. B. Tyler of Southampton County who
sues by Samuel B. Hines her next friend that on
the day of in the year 1815 William Hines
departed this life after having duly made and
published his last will and testament which
was admitted to probate in Southampton, for purpose of a
large real and personal estate. Your Oratrix files herewith
a certified copy of the said will and prays that the
same may be taken as a part hereof. Make A

By the fifth clause of the said will it is
provided my will and desire is that there be no
sale of any of the negroes, stock or plantation utensils
usually kept considered and considered as belonging
to the said plantation, on which I now reside, till
the death of my wife, but the same and all of
them remain on the said plantation as now kept
up till the death of my wife to be managed by and
my son Samuels control, for such provision,
only to wit: for the maintenance and comfortable
support of my said wife and son Samuel
till the death of his mother, as aforesaid, and
also for the support of my daughter Gray
and her child, so long as she remain with
her mother, and whosoever I wish her to do."

And by the ninth clause it is provided that
"all the net and residue of my estate not mentioned, or
provided for, after the payment of my debts and
legacies, as mentioned I devise to the use of wife and
to be disposed of as she may think proper."

Your Oratrix further represents that

Martha Hines the widow of the said William Hines departed this life on the day of 1818 after having duly made her last will and testament which was duly admitted to probate in the county court of Southampton: a certified copy of which is herewith filed as an exhibit marked B and prayed to be taken as a part of this bill

By the said will she made an appointment and allotment of the slaves on which by the will of her said husband she had a power of appointment, and to her daughter, Martha F. B. Rochelle, gave certain of them but provided that if the said Martha should die, without issue, at the time of her death, that the slaves allotted her, and their increase, should be equally divided between her children, Robert, George, William and Samuel, or the descendants of such of them as might be dead, and if the said Martha should die, leaving children, that the said slaves and their increase should belong to the same

Your Petitioner further represents that the will of the said Martha Hines making the said allotment was made by her, with the knowledge, and by the suggestion, of her elder sons, to wit, Robert, George and William Hines, and was assented to and acquiesced in by Samuel B. Hines, and the said Martha B. Rochelle and her husband, ^{who were the only children of the said Wm. Hines,} being in fact a family arrangement made by consent of the whole family that the brothers of the said M. B. Rochelle were legacies under the said will and ^{some of the} received ~~the~~ legacies ~~as set out in the said M. B. Rochelle's~~ And all rec'd their portion of the same acc'd

She represents further that the said Martha B. Rochelle's husband, James Rochelle, took possession of the said slaves, allotted as aforesaid, to her by her mother's will, and died, in the year 1835, proposing them, after having duly made his last

your names John W. Rochelle, and James B. Rochelle of the party are the only children of the said Martha B. Rochelle and her only other child died without issue and acc'd

and the will of M. F. B. Hines, to whom, the same was allotted for life, with
power and authority to them, if he did without children. The said will in consequence having
incapacity of disposing by will thereof and being childless.

will and Testament, which is filed herewith as an
exhibit marked C, and prayed to be taken as a part
hereof, that after his death she qualified as executrix of his
will and took possession of his estate and, as part thereof,
of certain slaves, allotted by the said Martha Hines, as
above said to the said Martha F. B. Rochelle, for life and
afterwards to her children, or her brothers; that among
them was a woman named Caroline who
has several children to wit Elvory, Bernetta
James, Jesse, and George
That on the blank day of in the year 1848 the
said Martha F. B. Rochelle made sale of the said
woman and children, at the price of \$9.50, to one
Simon Murfee, of Southampton County, and that,
since that time, he has made sale of the same negroes
at the price of \$1800, to one Ansley Davis of the town
of Petersburg, who is engaged in the trade of negroes, and
bought these on speculation. He has carried them to
Petersburg, from whence he has and sold them
to one Lewis F. Hicks, of the said town, at the price
of \$2000, but she avers that the said Ansley Davis
was informed of the title of your Coatrix, and her
brothers, John W. Rochelle and James B. Rochelle,
who are the children of the said Martha F. B. Rochelle
before he made sale of the said slaves, to the said
Lewis F. Hicks

She is advised and informed that at the
death of her mother the said Martha Rochelle, she
and her brothers, John W. and James B. Rochelle,
are entitled to the said slaves. The said Martha F. B.
Rochelle being entitled to them, only for life, and she
greatly fears and apprehends that the said slaves
may be removed from the state, and run into market
as they have been, before her interest comes into
possession. Your Coatrix represents that they have

a peculiar value in their estimation which is not to be compensated in damages, and further that the said Martha B. Rochelle is entirely insolvent.

Your oratrix represents further that she has been abandoned by her husband John Tyler jr, that she has three children, of very tender years, and is wholly destitute, and entirely unable to give the security if it be required as the condition of interfering to secure her rights.

I tender consideration whom and inasmuch as your oratrix is without remedy at law, and only entitled to relief in equity, when such matters are cognizable, she therefore prays that the said Martha B. Rochelle, Simon Murfee, Ansley Davis, ^{James D. Hughes} John Tyler jr whose residence is unknown, but who is believed to be a non resident of this state, John W. Rochelle and James H. Rochelle who is at this time, in the United States ^{navy}, and now abroad, with the squadron in the Mediterranean sea, may be made parties defendants to this bill, and may severally answer, if the negroes are in their possession, and be restrained from removing them from the state, that whichever of them it may be that has possession of the said slaves may give security to your oratrix and her brothers at \$ to have them forthcoming at the death of her mother, or surrender them up to the sheriff of the county, or the sergeant of the corporation, when found, and that such other and general relief may be given, the premises considered in equity may dictate and the nature of her case may require and as in duty bound your complainant will ever pray.

Jones & Shands pr
Southampton County to wit this day personally appeared before me ~~James D. Hughes~~ and ~~James H. Rochelle~~ that the facts stated in the above bill are true to the best of his knowledge and belief given under my hand this 4th May 1882.

Southampton County to wit

This day personally appeared
before me a justice of the peace for the aforesaid
county Samuel B. Hines next friend and made oath
that the allegations set forth in the above bill are true
to the best of his knowledge and belief given under
my hand and seal this 4th of May 1850

G. A. R. Newsum J. Seal

Tyler
as 3 amended bill
No. 1000000000

1850 June 20th filed.

408 words.

Tyler & Co
v.
Rockelle & Co

Supplemental
Bill.

To The Honorable Richard B Baker judge of the
circuit superior court of law and chancery for Southampton
County in chancery sitting

Humbly complaining sheweth to
your honor your oratrix Martha F. Tyler who sues by
her next friend Samuel B. Hines by way of amendment and
supplement to her original bill heretofore filed in this
honorable court against Martha B. Rochelle, Simon
Murfee, Anselmy Davis, Lewis F. Hicks, John Tyler Sr., John
B. Rochelle and James B. Rochelle that after the
granting by your honor of the injunction to the
removal by any of the parties of the slaves in the said
bill mentioned, and before the same was served on him
it came to the knowledge of the defendant Anselmy
Davis that an injunction had been granted to that effect
and that in evasion of it the said Davis who had
sold the slaves to the defendant Hicks took them back
and removed them as your oratrix is informed out of
the limits of the state and has sold them. Your oratrix
is informed that the said Davis states that he sold
them in the south but she does not know in what
state or at what price, she is informed that the
said Hicks gave for them to the said Davis a
profit of \$100 on the price paid by the said Davis
to the said Murfee viz \$1900 and considers them
well worth that price but that he heard of the said
injunction commanding him to hold the said slaves and
suffered the said Davis to take them back and carry
them out of the state in evasion of the process of the
process of the court will knowing such to be his
purpose

Your oratrix believes and charges that the said
Murfee will know of the injunction aforesaid and
was served with it in time to intercept the said

Davis and prevent the removal of the said slaves, but your oratrix charges that he used no efforts to do it and positively refused to annul the sale and take back the said slaves as he was obligated to do by the said Davis when your oratrix made known to the latter her claim to them.

I am tender consideration whereof and forasmuch as your oratrix is without remedy at law and only entitled to relief in a court of equity where such matters are peculiarly cognizable she therefore humbly prays that Martha B Rochelle, Simon Murfee, Wesley Davis, Lewis F Hicks, John T. Glanville, John W Rochelle and James H Rochelle may be made parties defendant to this bill and answer all its allegations each and every one of them that the said Davis may discover to what state the negroes were removed, and for what price they were sold that upon such discovery such relief may be granted your oratrix as equity may dictate and the nature of her case requires and as in duty bound she will ever pray so.

Jones & Shanks J. C.

Tyler by 8th

2 } 2nd of D^{ty} Sheriff

Roselle N^o

1830 August 19th

Exhibits notified?

1152 words,

2
12
2
2
2

10

The answer of Simon Mure to the bill & amended bill of Martha F. to Tyler, by Samuel D. Hines, her next friend, against him and others exhibitor, in the Circuit Superior Court for the County of Southampton.

This respondent reserving the benefit of every exception to the bills of the Complainant, for answer thereto, ^{saith} that he admits the purchase of the Slaves in the bill mentioned, ^{except one subsequently born} but it would have been an act of simple justice in the Complainant to have set out in detail the circumstances and facts attending the purchase. Now, the fact was, that he was solicited to purchase the Slaves by the Complainant herself, and by her next friend, the said Hines, as well as by the Complainant's mother, Mrs. Rochelle. He had no idea of the purchase before the sale was proposed to him; and it was made with the concurrence of the three persons just mentioned. And when at last he concluded to purchase, and waited on Mrs. Rochelle to conclude it, each of the said three persons was present, saw the portion of the purchase money which was to be paid in hand counted out, and pass into the possession of the Complainant. The residue of the purchase money he paid before it became due, without rebating the interest, to accommodate the Complainant and her mother. John respondent avers, that the Complainant and her next friend were privy to his negotiations with her mother, for the purchase of the Slaves, and that they aided with her in requesting him to purchase; and that they witnessed the conclusion of the agreement, and the payment of the purchase money.

He cannot suppress his surprise at the claim sprung upon him by the Complainant. The time for asserting her title was when her mother offered the Slaves for sale, for then it would have protected an innocent purchaser from imposition. But so far from putting him on his guard, she united with her mother and the party who acts as her next friend to prevail on him to buy and to pay his money. John respondent bought the Slaves and paid for them, without a suspicion of the right of Mrs. Rochelle to sell, which he

believe to be perfect and indisputable, and without the knowledge of any fact or circumstance which could have led him to doubt her power. He acted certainly in the most perfect good faith, and from a disposition to oblige the family, who represented that they were compelled to sell to raise money. In proof of his disposition to oblige them, he will mention, that he offered to conceal the purchase, upon a visit of a trader in Slaves ~~who visited~~ ^{made to} Mr. Rockell, at her request, if she could get him to purchase at a higher price. The sum which he was to pay for the Slaves, and which he did pay as aforesaid, namely, \$950, was their full value - at least he thought so, and after events confirm his opinion. He files her with the bill of Sale, as a part of his answer.

Your respondent submits, that the foregoing statement of facts furnishes a conclusive answer to the inevitable claim of the Complainant. Whether opinion may be entertained of her mother's power over the Slaves, the Complainant is not at liberty to contest the Sale to him. It was made in part at her instance, with her approbation and sanction, and the avails were in her possession. Her acts and conduct would protect him, if she were in fact the owner of the property.

But, under the advice of his counsel, and therein expressing his own conviction, he denies the title of the Complainant to the Slaves or any part of them. The Slaves were in the possession of Mr. Rockell as executor, and it was in that character she sold them, having a clear right to pass the title by her act of Sale. The bill misquotes and misstates the will of the grandfather of the Complainant. The effect thereof was to limit the power of distribution in Mrs. Hines to the testator's children, and to vest in them an absolute estate in the Slaves which should fall to them. It is plain upon the face of her will, that Mr. Hines designed strictly to execute her husband's will, and in the allotment to Mr. Rockell she intended to pursue the power vested in her. So much, then, of the bequest to Mr. Rockell, as restricted her interest in the Slaves to her life was void, and the Slaves became hers in absolute property. Your respondent, therefore,

"Your respondent further answering Saith, that he does not believe that there was any such arrangement of the family as that suggested in the bill, respecting the mode of vesting in Mr. Rockell her share in the Slaves of her father, or that any such consideration operated upon Mr. Hines when she came to execute the power vested in her by the will of her husband. It is plain, from ~~her~~ ^{her} will, that she acted under an idea that her powers authorized her to impose limitations on her daughter's property, and that she did not proceed in compliance with the ~~will~~ wishes of her children. Nor can it be doubted that both Mr. and Mrs. Rockell claimed and held the Slaves as a free simple property!"

"Your respondent further answering Saith, that it is not true that the Co. defendant Davis proposed or offered to rescind his purchase, for the motive imputed by the Complainant, or any other. The allegation is without foundation in ^{every} respect, your respondent having never received any proposition whatsoever from him since the Sale to him - a Sale which your respondent made, because he found it necessary to raise money, and without any suspicion or notice, that his right to the Slaves was to be called in question!"

submits that the complainant has not, and never had any little
whatevsver to the Slaves in question. In truth, the complainant^{in this}
had before her sale to him disposed in like manner of
other Slaves held by her in a similar right, and no doubt
no question has arisen as to her authority. It is for the Com-
plainant to ~~justify~~ ^{if she can} herself, for seeking to implicate a per-
son, whom she was active in inducing to credit her mo-
ther's letter, and who by his purchase obliges her as well
as her mother. Your respondent submits that a Court of
Equity must condemn her.

Your respondent having thus answered, denying
all fraud and combination, and claiming the benefit
of any objection to the form of the bill, and the juris-
diction of the Court, which might be raised by plea or
demurrer, prays to be hence dismissed with his costs &c.

Southampton County to wit.

This day

Simon Murphy personally appeared before
me - a Justice of the Peace of the county aforesaid.
and made oath that the foregoing answer
contains the truth, to the best of his knowledge
& belief - Given under my hand & seal this
21st day of August. 1850.

Jonathan Darden, *(Seal)*

Tyler &c

v 3

Rockelle & al

Answer of J. W. Rockelle

Filed by leave of Court Nov. 7. 1851

The Answer of John. W. Rockelle to the Bill of complaint of Martha. F. B. Syler, who sues by her next friend, exhibited against him and others, in the Circuit Court of Southamptown.

For answer therunto, or so much thereof as he is advised it is material for him to answer unto, your respondent saith that, at the time of the sale of the negroes, which are the subject of the suit, he was and, for some time, had been, in ~~Florida~~ ^{the state}, and knew nothing about it until his return, that, when he returned, and heard the circumstances of it, he was indignant at the fraud, which was manifestly practised upon his mother, and refused to recognise Mr. Murfee, He did not know, at that time, nor did he learn, until the opinion was expressed by counsel, to whose attention the bills exhibited with the Bill were brought, by others more conversant with them, than himself, and his brother, and sister, who were ~~both~~, he believes, equally ignorant with him, of their provisions, that he could then, or indeed at any other time, interfere in the sale.

He now unites, in the prayer of the petitioner, that the rights of himself, and his absent brother, and dependent and forsaken sister, under the said will, viz: those of his grand father and grandmother may be inquired into by the Court, and that, if the life right acquired by Mr. Murfee by the fraudulent dealings with this respondent's mother, in the ~~same~~ ^{same} mentioned in the Bill, in which she was the dupe of his cunning, has been forfeited, that he may be compelled to surrender them and, if it be lawful and equitable, their alternate value, and at all events to give security for their forthcoming at the expiration of the life estate.

And your respondent prays that, if, to the Court,
it may seem proper, he may be allowed to
file a crop Bill, to set up and save his rights
in the premises.

And having thus answered, he submits
himself to the orders of the Court, and prays
to be hence dismissed with his costs

South Carolina }
Charleston City }

This day personally appeared before me
L B Northrop a Commissioner of the State of Vir-
ginia, for the State of our said John W Rochelle now re-
siding in the State of South Carolina
and made oath that the facts set forth in the
foregoing answer are true so far as stated of
his own knowledge, and that he believes them
to be true so far as stated on information
derived from others.

Given under my hand
This 24th September 1851

L B Northrop
Commissioner of
Virginia



J W Rochelle

Tyler
Answer
to
Rockwell & Co

Ansley Davis

Filed by Secy of Court Nov 11th
1851

To the Judge of the Circuit Court of South Carolina
The answer of Ashley Davis to a Bill exhibited
in this court against him and others
by Martha B Lyle by J B Hines her
next friend & others

This respondent saving
h. for answer d. says that in the
month of April 1850 he purchased
the slaves in the proceedings mentioned
of Simon Mumfres at the price
of \$1800 - not doubting his title
to the said slaves was unquestionable -
if this respondent had entertained any
doubt on this subject, he would not
have made the purchase - He
gave full price for said slaves.
This respondent made sale of the said
slaves before ~~the~~ Spc in this cause
was executed upon him, and did not
own them at the time it was executed
upon him - He got \$2050 - for them
in South Carolina; the expenses incurred
were about \$150, which left \$1900 nett
m^t for p. slaves -

The said Mumfres gave a Bill of
Sale warranting the said slaves, and
as he knew all about the title
~~of said slaves~~ to them, this respondent
submits that he should be deemed
to pay all liabilities incurred
by him in the sale - The original
Bill of Sale mentioned A is herewith
filed as a part of this answer.
And having answered he prays to

to be Lena dismissed. L.

Ansley Davis

7

Town of Petersburg: to wit

This day Ansley
Davis made oath that the
forbearing answer contains the
truth to the best of his knowledge
& belief. Nov. 2. 1850
Chas. Spotswood J. P.

Tyler by next friend

v.s. 3

Rochester Vals

Injunction

To be entered

R. H. Baker

May Co. 1850

1850. May Term

Ent?

Tyler

v.

Rockelle & als.

This day, Martha F. B. Tyler, who
sues by her next friend, Samuel B. Hines,
presented in Court her Bill in Chancery,
together with the Exhibits, therewith filed, and
moved for an injunction, as prayed by
the Bill; On consideration whereof, the
Court doth adjudge, order, and decree,
that Martha F. B. Rockelle, Simon Mansfield
Ainsley Davis and Lewis F. Hicks be restrain-
ed from removing, or causing to be remo-
ved from the Commonwealth of Virginia,
or permitting the same to be so removed
the slaves, Caroline, Mary, Leroy, Henrietta
James Sepe and George
And that the said Ainsley Davis, if he still has
the slaves, in his possession, enter into bond
with good security, in the penalty of two
Thousand dollars, conditioned to have the
said slaves forthcoming to answer the decree
of this Court, to be made in this cause,
and, if he fail so to do, that the sergeant of
the Town of Petersburg take the same into
his possession, and hire them out, ^{by the month} until the
further order of this Court and render to
the Court an account, at its next term.

But if the said Lewis F. Hicks has possession of
the said slaves, that he enter into bond with
good security, in the penalty of two thousand
dollars, conditioned to have the said slaves,
forthcoming to answer the decree of this Court,
to be made in this cause; and if he fail so to
do, that the sergeant of the Town of Petersburg; or

the same have been removed therefrom
if removed therefrom, that the sheriff by the
said Hicks, and ^{are} still held by him, that the sheriff
of the County, in which the same may be, take
the same into his possession and hire them out
by the month, until the further order of the Court
and render to the Court an account at its next
term.

But the complainant is not to have the benefit of
this order, until some one, or more, persons for
her, shall enter into bond, in the Clerk's 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 shall
be dissolved.

Tyler

to } Dr. Pub.

Rochelle N.J.

Copy posted at front door of the
Gt. House June 3^d 1830

Virginia.

At Rules held in the Clerks Office of the Circuit Superior Court of Law and
Chancery for the County of Southampton on the 3rd day of ~~January~~ ^{June} 1850.
Martha F. B. Tyler who sues by Samuel B. Hines her next friend. Plff.

against

Martha B. Rochelle, Simon Musfee, Amos Davis, Lewis F. Hicks, Defts.
John Tyler jr. John W. Rochelle & James H. Rochelle.

In Chancery

The defendants John Tyler jr & 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 appear-
ing by satisfactory evidence that they are not inhabitants of this Commonwealth 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. J. R. Edwards C. C.

Tyler

to } Dr. Pub.
Rockwell & Co

Copy posted at front door of C. H. Co.
1st day July 6th 1850.

S.R.E

Virginia: At Rules held in the Clerk's Office of the Circuit Court of Southampton
County on the 1st day of July 1850.

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

Martha B. Rochelle, Simon Murfee, Ansley Davis, Lewis F. Hicks
John Tyler jr. John W. Rochelle and James H. Rochelle Defts.

} In Chancery

The object of this suit is to restrain the Defendants from removing or causing or permitting
to be removed from the State certain Slaves named in the bill and requiring whichever
of them it may be that has possession of said Slaves to give security for their forthcoming
to answer the decree of the Court to be made in the case.

It appearing by affidavit that the Defendants John Tyler jr and James H. Rochelle are
not residents of this State it is ordered that they do appear within one month after due
publication hereof and do what is necessary to protect their interest in this suit. And it
is further ordered that a copy of this order be published once a week for four suc-
cessive weeks in some newspaper published in the Town of Petersburg and posted
at the front door of the Courthouse of this County on the first day of the next County
Court.

Tyler by de
27 $\frac{3}{4}$ Dec
Rockwell tabs

To be entered

R. H. Baker
Nov. 52

Tyler by next friend
Rockwell vs:

The Bill and amended bill of the Complainant having been taken for confessed at the rules as to the defendants Martha B Rockwell and Lewis & Hicks and they still failing to appear and answer, and the order of publication against the defendants Mrs. Tyler Jr and James A Rockwell having been duly executed, The Cause came on this day to be heard upon the Bill & the Amended bill, the answer of the defendants Simon otherwise, J. W. Rockwell and Amos J. Dower and replications thereto, the Examination of witnesses and the exhibits filed, and was argued by Counsel. On Consideration whereof, and by consent of parties, the Court doth adjudge, order, and decree that the injunction awarded in this Cause, on the 6th day of May 1850, be dissolved, that the Bill of the Complainant be dismissed, and that each party pay his own costs.

To restrain the defendants Martha D. Rochelle, Simon Murfee, Ansley Davis and Lewis F. Hicks from removing, or causing to be removed from the Commonwealth of Virginia or permitting the same to be so removed, the Slaves, Caroline, Mary, Leroy, Henrietta, James, Jesse and George - and that the said Ansley Davis if he still has the Slaves, in his possession, enter into bond with good security, in the penalty of two thousand dollars, conditioned to have the said Slaves forthcoming to answer the decree of this Court to be made in this cause, and if he fail so to do that the Sergeant of the Town of Petersburg take the same into his possession, and hire them out by the month until the further order of this Court and render to the Court an account at its next Term. But if the said Lewis F. Hicks has possession of the said Slaves, that he enter into bond with good security in the penalty of two thousand dollars conditioned to have the ^{said} Slaves forthcoming to answer the decree of this Court, to be made in this cause, and if he fail so to do that the Sergeant of the Town of Petersburg, or if the same have been removed therefrom by the said Hicks, and are still held by him, that the Sheriff of that county in which the same may be, take the same into his possession and hire them out by the month, until the further order of the Court, and render to the Court an account at its next Term. Bond with sufficient security being given to pay and satisfy the defendants their costs if the injunction shall be dissolved -

Teste. J. R. Edwards Ck

Deposited on Dec. 11th 1850
 day of May 1850 and on another
 day the 22nd of May 1850, and attested to that
 a true copy of this Order
 In witness whereof I have hereunto set
 my hand and the seal of the said Court
 at Petersburg, Virginia, this 11th day of
 December, 1850.
 J. R. Edwards Ck

Tyler

at { Deposition

Rochelle &c

1850 June Rules

Deposited and of record
 in my hands

THE COMMONWEALTH OF VIRGINIA,

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

We command you that you summon *Ansel Davis Lewis F. Hicks*

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

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

And unless *they* shall answer the said Bill within ^{Two} ~~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 *6th* day of *May* 1850, in the *7th* year of the Commonwealth.

L. R. Edwards do. Clk

[One Copy to be delivered each Defendant.]

Tyler

2 } Sp. & Eng.

Rochelle &c.

7

and within 10 Rochelle, &c.
from removing, or causing to be removed, or
having the same to be so removed, or
any document George - And
also, in his possession, enter into
how much dollars, conditioned to
be paid of this Court to be made in
the month until the further order
of the Court - But if the
it is not done - But if the
no, that he enter into bond to
dollars, conditioned to have
the Court, to be made in this case
the Court of Chancery, or if
directed, and are still held by
a sum may be, after the same
th, until the further order of
a next term. - And with
dependant, then costs of the

To ^{restrain} ~~restrain~~ the defendants Martha B Rochelle, Simon Murfee, Ansley Davis and Lewis F Hicks from removing, or causing to be removed from the Commonwealth of Virginia, or permitting the same to be so removed, the Slaves Caroline, Mary, Leroy, Henrietta, James, Depe and George - And that the said Ansley Davis if he still has the Slaves, in his possession, enter into bond with good Security, in the penalty of two thousand dollars, conditioned to have the said Slaves forthcoming to answer the decree of this Court to be made in this cause - And if he fail to do so that the Sergeant of the Town of Petersburg take the same into his possession, and hire them out by the month until the further order of this Court, and render to the Court an account at its next Term - But if the said Lewis F Hicks has possession of the said Slaves, that he enter into bond with good Security, in the penalty of two thousand dollars, conditioned to have the said Slaves forthcoming to answer the decree of this Court, to be made in this cause, and if he fail to do so, that the Sergeant of the Town of Petersburg, or if the same have been removed therefrom by the said Hicks, and are still held by him, that the Sheriff of the County, in which the same may be, take the same into his possession and hire them out by the month, until the further order of the Court, and render to the Court an account at its next Term. - Bond with sufficient Security being given to pay and satisfy the defendants, their costs if the injunction shall be dissolved -

Teste J R Edwards Clk

Rockwell
1845

Executed by delivering a true copy of the writs to Martha B Rochelle & Simon Murfee

Wm Briggs Dy of A Myrick

Executed by delivering a true copy of the writs to John W Rockwell. The other defendants. no inhabitant of
James A. Little Dy of A Myrick

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Martha B. Rochelle, Simon Mixter*
John Tyler jr. John W Rochelle & James A 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 *June*
next, to answer a Bill in Chancery exhibited against *them & others* in the said Court by

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

And unless *they* shall answer the said Bill within ~~four~~ ^{*Two months*} ~~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 *6th* day of *May* 1850, in the
74th year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

Tyler by V

to } Sp^a Lbrs

Rockville &c.

1850. July Rules

Entered by Order
 being a true Copy
 to M^r B. Rockwell;
 & Simon Munroe;
 J^r W. Rockwell, not for

J^r W. Tyler & J^r A. H.
 Rockwell Inhabitant.

Wm Briggs Dy for
 A Myrick shff.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Martha B. Rochelle. Simon Murfee*
John Tyler Jr. John W. Rochelle & 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 *July* -
next, to answer ^{*an amended and supplemental*} a Bill in Chancery exhibited against ^{*them & others.*} in the said Court by

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

And unless *they* shall answer the said Bill within ^{*four*} ~~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 *20* day of *June* 1850, in the
74 year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

Tyler by J^r
 ~ { Sp. & Chy.

Rochelle J^r

1850 July Rules.

Executed June
 24th 1850, and deliv-
 ered to each a
 true copy of this
 Spe Channing
 J. P. Francis

THE COMMONWEALTH OF VIRGINIA,

Sergeant of the Town of Petersburg
To the ~~Sheriff of Southampton County~~ Greeting:

We command you that you summon *Ansel Davis and Lewis F. Hicks*

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 ^{*an amended and supplemental*} a Bill in Chancery exhibited against ^{*them*} ~~them~~ ^{*others*} in the said Court by —

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

And unless *they* shall answer the said Bill within ^{*two*} ~~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 *20* day of *June* 1850, in the *74* year of the Commonwealth.

L. R. Edwards 66

[One Copy to be delivered each Defendant.]

Tyler by J.

to { Ep^a Chy.

Rockwell by

1830 August Rules

Executed by
delivering a Copy
to Simon Munford
Wm Briggs D^y for
A. Myrick Shiff.

Executed by deliver-
ing a true copy
of W Rockwell's

James A. Culbert
Sept. 1st A. Myrick

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Simon Murfee and John W. 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 ^{*an amended & supplemental*} a Bill in Chancery exhibited against ^{*others*} them and in the said Court by

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

And unless *they* shall answer the said Bill within ^{*two*} ~~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 *1st* day of *July* 1850, in the *7th* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

Town of Petersburg - to wit:

This day D.B. Ruggs

D. for J. Branch Supt. of said town
personally appeared before me an alderman
in & for the town aforesaid and made oath
that he delivered to Lewis J. Hicks
and Ausley Davis, each, a true
copy of the within notice on the
18th day of Oct. Inst. - Given under
my hand this 19th day of October.
1850.

Wm. Edwards

Wm Simon Murfer Lewis & Wicks and Ansel Davis
Take notice

That I shall on Thursday the 24th day
of October next at the office of William B Shandas in the
town of Jerusalem between the hours of sunrise and sunset
procure to take the deposition of Samuel B Glines to be read
as evidence in a certain suit now pending in the circuit
court of Southampton County Virginia wherein I am
plaintiff and you and others defendants at which
time and place you may attend if you think fit
October 8th 1850

Martha F B Tyler who sees by
Sam^l B Glines her next friend

Mapes, Martha H. B. Tyler,

Take notice that on Wednesday, the 15.th Instant, at the house of Richard Barnett, at Franklin, Southampton County &c. between the hours of nine o'clock A.M. and five o'clock P.M., I shall take the deposition of J. S. Drewry and others, to be read in evidence in a suit, depending and undetermined, in the Circuit Superior Court of Law and Chancery, for Southampton County in which you are plaintiff and myself and others are defendants, at which time and place you can attend, and if the said depositions should not be completed, on that day, the taking of them will be continued at that ~~same~~ place from day to day until they are completed, yours respectfully
October 9/1850
Simon Murray

Southampton County to wit

This day Jacob Gannon personally appeared before me a justice of the peace and made oath that he had delivered a true copy of this notice to Mrs Martha & B. ^W Tyler, on this day, given under my hand this 9th Oct 1850.

J. H. Stacey, J. P.

Messrs Lewis F Hicks and Ansley Davis February 8th 1851
Sirs

Take notice
that I shall on the 4th of March next between the hours of
sunrise and sunset at the office of William B Shames in
the town of Jerusalem proceed to take the deposition of
Samuel B Himes to be read as evidence in a certain suit
now pending in the circuit superior court of Southampton
county on the chancery side and on the 8th of March
following I shall at the office of George B Blow jr in the
city of Norfolk proceed to take the deposition of John
Myers to be read as evidence in the same suit ^{in this} and said
suit in which I am Plaintiff and you and others
defendants at which times and places you may
attend if you think proper

Martha Tyle who says by
Sam^l B Himes her real friend

Tyler
to } Notice
Rockwell &c

I delivered a true copy
of this notice to Lewis
H. Hicks and Ansley
Davis Feb. 15th 1851.

D. B. Brugger Dr
for J. Branch &c
of Plattsburgh

Tyler by J^r
to {
Rockelle

handed in with the deposition
of Sam^l B. Harris March 4th
1857.

L.R.G

Know all men by these presents that I Samuel B Glines
of the county of Southampton and State of Virginia have
revised and released and by these presents doth revise
and release all the estate, right, title, interest, claim,
or demand both at law and in equity vested in or
reverting to me by or through the will of my Mother
Mentha Glines of record in the Clerk's office of
Southampton to the other devisees and legatees therein
mentioned as witness my hand and seal this 4th
day of March in the year 1857

Sam^l B Glines

Seal

Fyler
i { Note
Murphy & Co

Executed
James A. Gillett Dpt
of Ala Myerack
Thff

To Mrs Martha Tyler

Take notice, that on the 17th of
April 1851. between the hours of nine A M and
six P M, of that day at the office of Chambliss
& Messersburg in the town of Leesalem and
County of Lee. Thompson I shall proceed
to take the deposition of George A W Newson
and others to be used as evidence for me in
a suit now pending in the Circuit Court
for Lee Thompson wherein you are Plaintiff
and I am other Defendant. Given under
my hand this 7th of April 1851

Simon M. M. M.

The within notice Executed on Simon Murphy
Nov 7/1857 Alexander Shuff

Tyler by AP
& Notice

Rockwell of

To Messrs Amosley Davis
Lewis. F. Hicks
& Simon Murfee

Gentlemen

Take notice

that on the eighth day of November, at the office of William. B. Shands, in the town of Jerusalem in Southampton County Va, I shall take the depositions of certain witnesses, to be used as evidence for me in a certain suit now pending in the Circuit Court of Southampton, wherein I am plaintiff and you and others are defendants; and if, from any cause, the taking of the said depositions should not be commenced, or being commenced, should not be completed on that day, the taking of the same will be adjourned from time to time until the said depositions shall be completed.

Given under my hand, this 5th day of November 1851.

Martha F. B. Tyler

per her counsel.

Executed Nov. 6. 1851 on Amosley Davis and L. F. Hicks and delivered each a true Copy of the foregoing Notice — Murfee not an inhabitant.

Petersburg

L. B. Dugger Dr for
J. Branch Long

Tyler

& } Depositions

Rockelle &

Came to house sealed. April 27th

1852.

J.R.E

Massachusetts to Lyce.

Take notice, that on Tuesday
the 27th of April 1852 at the house of Richard
Burnet at Franklin between the hours of nine
A.M. and six P.M. I shall proceed to take
the depositions of certain witnesses, to be used
as evidence for me in a suit now pending in
the Circuit Court of Santhampton, wherein you
are Plaintiff and myself and others defendants
Given under my hand this 21st of April 1852

Simon Musser

by his attys

Chambliss & Prosserburg

acknowledgment service of the within notice

Wm B Shanas atty
for the plaintiff

The Deposition of Capt. Henning J. Smith ~~and~~
~~taken~~ taken at the House of W. Barnett at Franklin
in the county of Sampson on the 27th of April 1852
between the hours of nine A.M. and Six P.M.
of that day, to be read as evidence in a chancery
suit now pending in the Circuit Court of Sampson
county wherein Martha J. B. Tyler is ~~plff~~ and
Simon Murfee Defendant taken pursuant to
the annexed notice -----

The said Deponent H. J. Smith being duly sworn on the
Holy Evangelist of almighty God deposeth and saith in
answer, ^{to} the following questions

Question by the Dft Simon Murfee

1st Are you acquainted with Martha J. B. Tyler
answer, Yes

2nd Question. How long have you been acquainted with
answer, I do not know exactly but I think at least ten or
fifteen years.

3 Question, Have you always considered her ^{M. J. B. Tyler} capable of
attending to business

answer, I ~~have~~ never have considered her other wise
she has written me letters for ~~her mother~~
on business for her Mother

(Signed)

H. J. Smith

~~Subscribed & sworn to before me on the Holy Evangelist~~
The foregoing Deposition of Capt. Henning J. Smith, was taken, sworn to, and
subscribed, at the time & place mentioned in the caption, before me, a

Justice of the Peace for the County of Southampton. Given under my
hand, this 27th day of April 1852.

R. Barrett J.P.

The Deposition of Richard Barrett and Peter B. Prentis, taken at the
House of R. Barrett, at Franklin, in the County of Southampton, on the
27th day of April 1852, between the hours of Nine A.M. and Six P.M.
of that day, to be read in evidence, in a Chancery Suit now pending in the
Circuit Court of Southampton County, wherein Martha F. B. Tyler
is plaintiff, and Simon Mudger, defendant, taken pursuant to the annexed
Notice.

The said Dependent Richard Barrett, being duly sworn, on the Holy
Evangelist of Almighty God, deposes & saith, in answer to the
following questions.

Question by Wt. Simon Mudger.

Did or did you not consider Martha F. B. Tyler, at the time of the
execution of the Bill of Sale for Negroes ~~dated~~ ^{to me} from Martha B.
Rockwell, Ex^{or} of Jas. Rockwell dec^d, for certain Slaves, dated, executed &
recorded, on the 20th March 1848, to be capable of transacting business?
Answer. I did.

(Signed)

R. Barrett

The said Dependent Peter B. Prentis, being duly sworn on the Holy Evangelist
of Almighty God, deposes & saith, in answer to the following questions.
Question. by the Wt. Simon Mudger.

Did or did you not consider Martha F. B. Tyler, at the time specified, in
the question, put to the Dependent Barrett as above, as well as at periods prior
and subsequent to that time, to be capable of transacting business?

Answer. I have always looked upon Mrs Martha F. B. Tyler, since my
acquaintance with her (which has been of some 10 years duration) as
a lady of decided acquirements, & consequently amply competent to
attend to ordinary transactions of business.

(Signed)

Peter B. Prentis

The foregoing Depositions of Richard Barrett & Peter B. Prentis

were taken, sworn to & subscribed, at the time and place
mentioned in the Caption before me, as Justice of the Peace, for
the County of ~~Dorset~~ Hampshire -
Given under my hand, this 27th day of April 1882

H. J. Gurney J.P.

Tyler

& } Depositor

Richards W

handed in October 24th 1850

I.R.E.

The Deposition of Samuel B. Hines Taken at the
Office of Wm B. Shanas in the Town of Jerusalem on
the 24th day of October in the year 1830 between the
Sons of Sunrise and sunset pursuant to notice
duly given to be made as evidence in a certain suit
depending on the chancery side of the circuit court
of Southampton County between Martha F. Tyler who
sues by her next friend is Plaintiff and Simon Murphy
and others are defendants

The deponent Samuel B. Hines having been
first duly sworn on the holy Evangelist of
Almighty God deposes and says as follows

I was living with my Mother
Martha Hines, the Widow of William Hines
at the time of her death, frequent conversations
were had in the family in regard to her will
which was made in accordance with the
wishes and by the advice of all her children
it being in fact a family arrangement
James Rocklee the husband of Martha
F. B. Rocklee, and his wife, Martha
received their portions as legates under the
will of Martha Hines, and both he and
his wife acquired in the provisions
made for them under the will

William D. Hines, one of the children
died without issue, and his estate
received from his Mother by her will
was divided among the surviving children
and their descendants, according to the
provisions of Martha Hines Will

Just by Plt's Counsel

do you know
why Martha B. Rochelle was the negroes
purchased by Simon M. Rochelle
Answer They were sold, to pay
debts against Martha B.
Rochelle and other heavy pressing
debts

Question by the same were the negroes sold
to raise ^{money} for Martha F. Tyler

Answer Certainly not, either to
furnish her with money or pay
her debts

Question by the same Did John M. Rochelle
or James Rochelle know anything of this sale

Answer no they did not
John M. Rochelle was in Florida
and James Rochelle at sea
and further they do not - say so
not

Done & Done

The above deposition was taken subscribed
and sworn to before me at the time and
place mentioned in the caption a justice
of the peace for the county of Southampton
given under my hand and seal this
24th day of October 1850

G A M Newson (Seal)

Tyler &

& } Depositions

Rochelle Co.

Come to hand sealed Oct 21 1830

L.R.C.

Mr. Martha F. B. Tyler, take notice that I shall
on Friday the 4th of October next between the hours
of 6 A.M. and 5 P.M. at the Store House of
William Lawrence in the County of Stafford State
of Virginia, proceed to take the Depositions of Peter
B. Darter & others, to be read as evidence in the
Circuit Sup. Court, of S^c Ampton in a suit now
depending & undetermined; in which you are plff.
& I am Def^t: at which time and place you may
attend if you think proper.
Given under my hand this 16th September 1850

If the Depositions are not completed } Simon Murfee.
The 1st day, I shall proceed from }
day to day until completed. }
Simon Murfee

and others

The Deposition of Peter B. Pontie, taken at the State House
of William Lawrence, ^{in the County of Nantuxent} on the 4th day of October 1850 between
the hours of 6 a.m. & 5 p.m. of that day, to be read as
evidence in a Chancery suit now pending in the Circuit
Court of Southampton County, wherein Martha F. B
Tyler is Plaintiff and Simon Mumfee Defendant, taken
pursuant to the annexed Notice.

Peter B. Pontie

The said Deponent, being duly sworn on the Holy
Evangelists of Almighty God, deposes & saith in answer
to the following questions —

Questions by The Defendant, Simon Mumfee:

1. Were you present when Martha B. Rockelle, Ex. of James Rockelle
decd executed a bill of Sale to me, dated the 20th day of March 1848,
for a negro woman Caroline & children, whose names are in the
said bill of Sale —

Answer. I was.

2. Question. Did you become a subscribing witness to that bill of
Sale at the request of the parties

Answer. I did.

3. Question. Did or did you not read that Bill of Sale to Mrs
Rockelle, Mrs Tyler and Samuel B. Horins —

Answer. I did read the bill of Sale in their presence —

4th. Question

Did Mrs Tyler, or any one else present set up any claim to the
(over)

to the negroes or object to the sale.

Answer. ^{Neither did} Mrs Tyler nor any one else make any objection to that transaction or any thing appertaining to the same.

Question 5th:

Did or did I not say to Mrs Rockwell in the presence of Mrs Tyler, Col: Saml B. Lewis and the other witnesses to the bill of sale, that these were traders on the ground, and if she felt disposed, she was at liberty to dispose of the negroes to them; if she thought she could do better.

Answer. I distinctly and aver and answer the question in the affirmative & would furthermore say, that Mrs Rockwell, Mrs Tyler & Col: Lewis preferred that the defendant Munfer should purchase the negroes.

Question 6th:

Did or did you not see \$400 & \$500 of the purchase money counted out & paid.

Answer. I did.

Question 7th:

Did or did not Mrs Tyler receive the money.

Answer. I think she did.

Question 8th:

Did or did you not think that Mrs Rockwell, Mrs Tyler and Col: Lewis were interested in the sale of the said Slaves, & that they & each of them fully consented to it.

Answer. I did.

Question 9th:

Did or did I not execute a bond for the balance of the

purchase money, after paying the \$400 & \$500.

Answer.

You did execute & deliver a bond, but of what amount, I cannot say. Nor can I say at what time the said bond became due, the bond being payable at some future day.

Question 10th:

Did or did not Mrs Rockwell & Mrs Tyler say that some part of the deferred payment (the bond), would be wanting before it was due.

Answer.

Either Mrs Rockwell or Mrs Tyler did make such a remark.

Question the 11th.

What was my answer to them.

Answer. You replied, if they wished the money, it should be had if you were alive; and you further stated, if you died (pointing to Richard Barrett) the money must be paid.

(Signed) Peter B. Trentis

Richard Barrett being duly sworn in the Holy Evangelists & almighty God deposite and swear in answer to the following questions.

Question by the Defendant Simon Munfer.

Question 1st. Were you present when the above transaction took place.

Answer. I was

Question 2nd do you concur in the foregoing deposition
Answer I do

Question-3rd Did you or did you not count the
money spoken of in the above deposition and pay
it over to Mrs. Martha J. B. Tyler

Answer myself & Lepe Dewey counted the
money and offered it to Mr. Rochelle and she
Mr. Rochelle observed to Mrs. Martha J. B. Tyler
to take the money and put it away which she
done

(Signed) Richard Barrett

The foregoing Depositions were taken, sworn to
and subscribed at the time & place mentioned in
the caption, before me a Justice of the peace
for the county of Hantsamond given under my
hand this 4th day of October 1880

Isaac Lee - J. P.

Tyler by J^r
n } Deposition

Rockwell J^r

Handed in by Lord P. Nicholas
J. P. October 24th 1850
L.R.G.

The Deposition of Samuel B. Hobbes taken at the office of Wm B. Shanks in the town of Simsbury on the 24th day of October in the year 1830 between the towns of Simsbury and Simsbury pursuant to notice duly given to be read as evidence in a certain suit depending on the chancery side of the circuit court of Southamptown Colony in Martha F. Tyler who sues by Samuel B. Hobbes her next friend is plaintiff and Simon Murfee and others are defendants. The deponent Samuel B. Hobbes having been first duly sworn on the holy Evangelists of Almighty God deposes and says as follows

I was living with my mother Martha Hobbes the widow of William Hobbes dec'd at the time of her death frequent conversations were had in the family in regard to her will, which was made in accordance with the wishes and by the advice of all her children it being in fact a family arrangement, James Rochelle the husband of Martha F. B. Rochelle and his wife Martha ^{rejoice} their portion as legates under the will of Martha Hobbes. Both he and his ^{wife} acquiesced in the provisions made for them under the will, William D. Hobbes one of the children died without issue ^{and} his estate received from his mother by her will was divided among the surviving children and their descendants according to the provisions of Martha Hobbes' will

Remission by plaintiff's counsel

Do you know why Mr M. B. Rochelle sold the negroes which Simon Murfee purchased

Answer They were sold to pay executions against

Martha B Rochelle and other heavy pressing debt
Question by The same Were the negroes sold to raise
money for Martha & Tyler

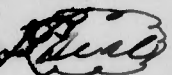
Answer. Certainly not either to furnish her with
money or to pay her debt

Question by The same Did John W Rochelle
or James Rochelle know anything of this sale

Answer No John W Rochelle was in Florida
and James Rochelle was accused he belonged to
the United States Navy and further this
deponent saith not

signed Jas B King.

The above deposition was taken, signed, and
sworn to according to the time and place mentioned
in the caption before me a justice of the peace
for the county of Southampton gives under
my hand and seal This 24th day of October
in the year 1850

Levi S. Nichols 

Tyler

2 } Depositions

Rockwell's Exr.

Wanted in by Richard Bennett VP
Oct. 21. 1856 L.R. Ex

The deposition of J. Pe Drury, taken at Franklin, on the 16th day of October 1850 between the hours of Nine O'clock A.M. and Five O'clock P.M. of that day to be read as evidence in a Chancery suit now pending in the Circuit Superior Court of Southampton County wherein Martha F. B. Tyler is Plaintiff and Simon Murfee and others are defendants. taken pursuant to the annexed Notice. -

The said Deponent. being duly sworn on the Holy Evangelist of Almighty God, deposeth and saith in answer to the following questions -

Question by the defendant, Simon Murfee

Were you present when a bill of Sale was executed to me, by Martha B. Rochelle Executrix of James Rochelle dec'd., on the 20th day of March 1848 for a negro woman Caroline and Chiam, which you, Peter B. Pratts, and Richard Barrett, are subscribing witnesses. -

Answer. - I was present and witnessed the bill of Sale at the request of the parties.

Question by the same.

Was Samuel B. Hines and Martha F. B. Tyler present. -

Answer. - they were.

Question by the same. - Was not the bill of Sale read in the presence of Martha B. Rochelle, Martha F. B. Tyler and Samuel B. Hines.

Answer. - It was.

Question by the same, did Martha F. B. Tyler or Samuel B. Hines set up any claim to the negroes or Object to the sale.

Answer. - they did not, but expressed great dissatisfaction at the sale, as they did not wish to sell them to a speculator.

Question by the same. did or did I not propose to Martha B. Rochelle, Martha F. B. Tyler, and Samuel B. Hines, that if they thought the price too low, that as there were tractors on the ground, they could set them up at auction. -

or you did, which they refused to do, and were
themselves perfectly satisfied.

Question by the same, did or did you not help Richard
Barrett County money to the amount of four hundred
and fifty or five hundred dollars in part of the
purchase of said negroes and see me execute my
bond for the balance of the purchase money pay-
able the 25th day of December next. —

Answer I did, see the money paid and counted it
but do not recollect the amount at this time and
saw the bond executed. —

Question by the same. — did or did not Martha F. B.
Tyler receive the money. —

Answer — she did and Martha B. Rockwell requested her
to put it away. —

Question by the same, did or did not Martha F. B.
Tyler say to Martha B. Rockwell, we shall want more
money before the note will become due. —

Answer. — she did.

Question by the same, did or did not I say to them
that I would try and accommodate them and
called on Richard Barrett, and requested him in
case of my death to pay the money when they should
want it.

Answer. — you did.

Question by the same, did or did I not call on
you a short time after the bond was executed
and request you to go with me to Martha B.
Rockwell and take in the bond.

Answer — you did and I saw the money paid
to Martha B. Rockwell and Martha F. B. Tyler was
present.

Question by the same, did or did I not pay the full
amount of the bond without deducting interest for paying
it before it was due.

Answer you did.

J. S. C. Drury

The foregoing Deposition was taken, sworn to and subscribed at the time and
place mentioned in the Caption, before me a Justice of the Peace for the County
of Southampton given under my hand this 16th day of October 1850 Richard Barrett J. P.

Tyler by W

& { Deposition of
G. B. Hines

Rockville W

Handed in by Lem. P. Nickerson
Justice of the Peace March 4th
1854. J. R. Edwards clk.

The deposition of Samuel B. Gibbs taken on the 4th day of March in the year 1837 at the office of William B. Chanda in the town of Jerusalem between the hours of sunrise and sunset pursuant to notice duly given to read as evidence in a certain suit now pending in the circuit superior court of Southampton on the chancery side thereof for the plaintiff herein Martha Tyle who sues by her next friend S. B. Gibbs is plaintiff and Simon Murfee and others are defendants

The Deponent Samuel B. Gibbs having been first duly sworn on the holy Evangelists of Almighty God deposes and says as follows

I was living with my mother ^{Martha B. Gibbs} at the time of her death the wife of my father William Gibbs that previous to her death and during her long confinement many consultations took place in the family in regard to her will, which was made in accordance with the wishes and advice of all the children, being in fact a family arrangement, James Rochelle the husband of Martha B. Rochelle and his wife received their portion of the estate under the will of my mother Martha Gibbs and acquired in its provisions as legatees, William D. Gibbs one of the children of Martha Gibbs died without issue and intestate and his property devolved under the will of his mother was divided among the remaining children according to the provisions of the will of Martha Gibbs. The negro Caroline and her children which Martha B. Rochelle sold to Simon Murfee even the descendants of negroes given to James Rochelle and his wife Martha B. Rochelle by the will of Martha Gibbs, the slave Caroline being a daughter of Dick who was one of the very negroes bequeathed to them by the said will

Question by Plaintiff's counsel. Do you know why
Martha Rochelle sold the negroes which Simon Himes
Answer it was to pay execution in hands of the
sheriff against Martha Rochelle and other pressing
debts

Question by the same

Was the negroes sold to raise money for
Martha F. Taylor

Answer, They were not

Question by the same

Did John W. Rochelle and James Rochelle
know anything of this sale

Answer

No John W. Rochelle was in Florida at the
time and James W. Rochelle in the United States
at that time beyond the limits of the United States
Question by defendant's counsel

What evidence have you that James Rochelle
acquiesced in the disposition of the property made by
the will of Martha Himes

Answer

By his receiving the property of one never
making any objection in the most friendly manner
and appearing to be perfectly satisfied

Question by the same

Did not James Rochelle in his lifetime
treat this property as his own

Answer

Yes so far I know

Question by the same

Was not his executor since his death
treated this property as belonging to his estate

Answer

Yes

signed Jan^y B. Himes

The above deposition was sworn to, taken, and
subscribed to according to the time place mentioned
in caption before a justice of the peace for the county
of Southampton. State of Virginia Given under my
hand and seal this 4th day of March 1857

Leah O. Nicholas J. P.

Tyler

to } Deposition

Rochelle &c

Came to hand Sealed March 22^d
1831. L.R.E

The Deposition of John Means: taken
before me a Notary Public. in and for the City
of Norfolk and State of Virginia. by Consent
of Parties on this ^{at the office of Geo. Blount Esq.} 13th day of March 1857.
to be read as evidence
in a certain Suit now depending in the
Circuit Court of the County of Southampton
between Izlet Peff. v. Rochelle & others -
in the presence of Geo. Blount Esq. Attorney
for the Peff. and Richd. H. Baker Jr. Attorney
for the Defendants Murphy.

The said John Means having
been first duly sworn deposeth and saith
as follows: To wit:

Question - Please state your age & occupation?

Answer - I am 38 years of age - my occupation is that
of Farmer & Negro Speculator.

Question - Please state what you know in reference
to the purchase of certain Slaves by the Defendant
Murphy - of the Peff. Rochelle some time
in the Spring of the year 1848 -?

Answer - I rec'd a letter from Col. Hynes of Southam-
pton - stating that his sister, Mrs. Rochelle
wanted to dispose of certain Slaves: On the
following Saturday I think - I took the car
for Jerusalem - When I reached Franklin
about 1 P. M. I saw Mr. Murphy at the
Depot. Mr. Murphy asked me where I was
going - I informed him that Mrs. Rochelle
had sent for me to purchase some negroes -
He stated that he was going home and if
I would wait at Franklin, he would send
his horse & carriage to convey me to Jerusa-
lem - stating also that I was too good a
looking man to travel in that Rat trap -

(referring to an old Stick Gig that I had procured for my conveyance) It was about 5 o'clock when Mr. Muffee's carriage reached Franklin - and we arrived at Jerusalem - a little after Sun down - When I reached the Town. I saw Mr. Muffee's horse & Buggy - hitched to the pales of Mr. Rockelle's ^{house} - I entered the residence of Mr. R. - She addressed me as Mr. Chandler - and enquired after my health. I informed her that it was not Mr. Chandler - but Mr. Means. She then turning to Mr. Muffee - enquired Brother Muffee - did you not tell me that Mr. Means did not come up to Franklin in the case to day? to which he replied - No Sister I did not - but I told you, there were three sharp Gentlemen came up - She then said to me - Mr. Means I understand Brother Muffee to say so - that the money was to be paid on Monday - and that she had sold the negroes - to Muffee - I asked her what kind of negroes they were - She described the negroes to me - I then asked her what he gave her - I think she told me \$950. I then told her that he had bought them for a great deal less than they cost. She ~~then~~ Muffee - then said to me - I thought Mr. Means that you & me were friends? and I replied ~~that~~ ^{how can} you be a minister of the Gospel - and thus wrong the widow - Mr. Rockelle and I then retired to the parlour - and I addressed her to ~~offer~~ ^{offer} Mr. Muffee \$50 - to let her off from the bargain - She then went to Mr. Muffee and asked him to let her off - I then told her to pay him \$50 - that that sum would compensate him for his trouble - Muffee then replied No Sister a bargain is a bargain - both of us are

now too old to make child's bargains -
~~Like~~
Question by Opp's. atty. - But for the offer of Mr. Muffee to send you up in his carriage - and the delay in the arrival of the carriage at Franklin - would you have been at Jerusalem in time to purchase the negroes?
Answer - I was delayed some four hours - and but for that would have arrived in time to purchase the negroes.
Question by Opp's. atty. - From such information as ^{from Mr. Rockelle} ~~you~~ obtained at that time what would you have been willing to give for these negroes?
Answer - From such information as I obtained at the time - I would have been willing to give \$1350 for the negroes - During my conversation with Mr. Rockelle above referred to a negro girl came into the room - Mr. R. - informed that the girl was the largest child - and that the other child came up to her shoulder - I asked her what was the amount of debt she owed - I think she told me \$800 or \$850 - I told her that I would give that amount for the two girls - and that she could keep the woman & small children.
Question by Defence Attorney - Please state who were present when the conversation above detailed took place?
Answer - Mr. John Tyler was present - and I think that the Sheriff and Clerk of the Court were also present -

Question by Defendant M^y. Did you overhear any conversation between any of the other parties present at this inclosed -

Answer. No I did not -

Question by Same - How long do you suppose M^{rs} Mumfey had been at M^{rs} Rockelle's when you arrived?

Answer. If he went to Jerusalem directly from Franklin. He might have been there some 3 hours before I arrived - but I can not positively say -

Question by Same - Understanding you to say that you had not seen the slave referred to - when you expressed to M^{rs} Rockelle the opinion that she had sold them for less than they were worth - How could you have come to any such conclusion?

Answer. I had hitherto purchased negroes of M^{rs} Rockelle upon her description of the said negroes and I believed that in this case I might confidently rely upon her description of the negroes - and my opinion was accordingly founded upon the information I derived from her.

Question by the same. Would you have been willing to have given \$1300. for the negroes - without seeing the same -

Answer. I could - if they had answered the description given by M^{rs} Rockelle.

Question by same. Will you undertake to say that you would have purchased the negroes at a greater price than was paid by M^{rs} Mumfey - have paid the money down -

and considered the bargain complete without seeing them -

Answer. No -

Question by same - Did you say in the presence of Capt. Keason - that Mumfey had given a fair price for the negroes -

Answer. I did in the presence of Keason - and of M^{rs} Rockelle & M^{rs} Izler also - M^{rs} Rockelle appeared to be in great distress - and with the view of consoling her I stated that in as much as the negroes were not to be removed I thought she had received a fair price -

Question by Same - Did you hear M^{rs} Mumfey say that if any body would pay a larger price - he would ^{but} the negroes up at auction and sell them?

Answer. I did not -

Question by same - Did you understand that the negroes were the property of M^{rs} Rockelle, and did you ~~not~~ buy some from her previously to this transaction?

Answer. I did understand them to be M^{rs} Rockelle's negroes and I did buy some previously from Col^l Hynes - which I understood to belong to M^{rs} R -

Question by same. Did M^{rs} Izler assert any right or title to the negroes during your conversation with Mumfey & M^{rs} Rockelle -

Answer. I heard none -

Question by same. Were you present when the Bill of sale was executed for these negroes?

Answer. I saw no writing at all -

Question by same - Did you hear Mr. Pyles
expressing dissatisfaction at the
sale to Mumford -

Ans. yes. I did not -

And further this deponent saith
not - John. Mears

which examination being complete
I now send & certify the same into the said
Circuit Court for the County of Southampton
in the State of Virginia -

In testimony whereof I have
set my hand & affixed my Notarial Seal
on the said 13th day of March 1857 -

Wm. W. Woodie Notary Public

Hyles } Depositions
in }
Murder

Handed in by S P Nicholson J.P.
Apr. 13 1851

ERL

The depositions of George A W Newsom, William Griffin and Samuel B Hines taken according to notice, at the office of Chamberliss & Massenshup in the town of Leesylvania on the 17th day of April 1851, to be read in behalf of the Defendant Murfer, in a suit now pending in the Circuit Court of San Francisco, between Martin Tyler Plaintiff and the said Murfer and others Defendants.

William Griffin being first duly sworn deposes and swears as follows

Question by Defendant: Did you ever hear John M Myers say that I gave as much for the negroes I purchased from Mrs Rochelle as they were worth?

Answer: Myers said to me rather confidentially that he was certain that it was impossible to secure another fifty dollars bill more for the negroes, than Murfer gave.

Question by Same: Did you hear Colonel Hines persuade Murfer at Franklins to come and buy the negroes?

Answer: I did. And further this deponent swears and

William Griffin

George A W Newsom being next duly sworn deposes and swears as follows

Question by Defendant: Did you ever hear John M Myers say I gave the full value of the negroes I bought of Mrs Rochelle?

Answer: I think I did.

Question by Same: Where did you hear him say so?

Answer: I think it was at my house.

Question of Lane: Was Mrs Rockwell or Tyler at your house at that time?

Answer: They were not.

Question of Lane: Did Colonel Hines apply to you for information about the value of the negroes?

Answer: He did and I advised him to take \$950

Question of Lane: Were you not buying and selling negroes yourself about that time?

Answer: I was.

Question of Lane: Did not the value of negroes advance very much in the two years next after the purchase of the said negroes of Mrs Rockwell?

Answer: I did: And further this deponent said not

G. A. M. Stawson

The above depositions were taken sworn to and subscribed at the time and place mentioned in the caption before me a justice of the peace in and for the County of San Diego

Sam'l D. Nicholson J P

Tyler

is } Deposition

Murphy & Co

Witnessed in by Richard Barrett SR.

April 23rd 1851

L.R.C.

The depositions of Jesse Drewry
Rich Barrett and Ed Murphy
taken according to notice at
Franklin Depott on the 18th day
of April 1837 to be read in behalf
of the defendant Murphy in
a suit now pending in the
circuit court of Southampton
between Martha Tyler Plaintiff
and the said Murphy and
others Defendants.

Jesse Drewry Being first duly sworn deposes and
says as follows.

Question 1st By the Deft. ^{Murphy} Did or did you not understand
that Mr. Rochelle Mr. Tyler & Col. Hines sent the negroes
to my house Saturday morning before the bill of sale was
executed.

Answer. I did understand so from them

Question 2. By same Did or did you not understand that
they had sold them to me before they sent them to my house
answer. I did.

Jesse Drewry

The above Deposition was taken sworn to and subscribed
at the time and place mentioned in the caption before
me a Justice of the peace in and for this county
of Southampton

V. Barrett J. P.

Mrs Martha Tyler

Take notice that on the 18th
of April 1851 between the hours of nine A M
^{at the house of Richard Barrett}
and six P M, at the town of Franklin in the County
of Southampton I shall proceed to take the de-
positions of Edward Murphy and others to be used
evidence for me in a suit now pending in the
Circuit Court of Southampton, wherein you
are Plaintiff and I and others Defendants, and
if from any cause the said depositions should
not be taken on that day, the same will be
continued from day to day until taken.
Given under my hand this 7th day of April
1851. Simon Murphy

Types
i { Notice
Munroe & Co

Executed
James A. Gillett Sps
of Ala Myrick Luff

vs
Taylor by &
res 5
Rockwell &

Taylor, by &
res } Depositions
Rockwell et al

Recorded in by W. W. Cobb Comr.
December 1st. 1857.

LR 6

=

The reading of the within
depositions of Saml. B. Hines &
Sarah Armstrong is excepted to
1st for want of notice thereof
2nd because the notice given
was entirely informal & unaffi-
cient. &
3rd for irregularity in the man-
ner of taking them.

W. W. Cobb
& Baker, J. C.

The deposition of William S. Goodwyn, taken before me a Commissioner in the Circuit Court of Southampton County, equably to notice, on the 8th day of Novr. 1854, at the office of Wm B. Shanks, in the town of Jerusalem, to be used as evidence for the plaintiff, in a certain suit depending in the Circuit Court of Southampton, wherein Tyler, by next friend is plaintiff, and Rochelle & others are defts -

Wm S. Goodwyn being first duly sworn deposes and says as follows -
Some short time, I think not more than two months, before the institution of the suit of Tyler by next friend vs Rochelle & others, in which W. B. Shanks was appointed receiver of court, of certain property, which Mrs. Rochelle held under the will of her husband, I called at Mrs. Rochelle's in Jerusalem to see the family. Mr. Tyler and myself were alone in the drawing room - She remarked to me, that it seemed all they had was about to be sold to pay creditors, and asked me if there was no way by which something could be saved for her children - I told her I wished she had asked me that question long before - that I had been aware, for sometime, that much of the property in which her mother was in possession of had been sold to pay debts which I thought, ought not to have been done - I then went on to tell her what I thought were her rights under her father's will, from what I knew of it. She seemed to be, and indeed expressed herself very grateful for the information. The next thing I heard of in connection with the matter, was the injunction above referred to. The above

is substantially the conversation which took place. Mrs. Tyler seemed to be at that time, perfectly ignorant of her interest in the property held by her mother. Frequently before this time, I supposed the opinion that Mrs. Tyler was ignorant of her rights under her father's will, and thought that her mother ~~had~~ could dispose of the property as she thought proper - My reason for this opinion is, that in frequent conversations with her before that time, in which she lamented the sale of negroes, she never alluded to any power in herself to prevent it.

I have known Mrs. Tyler for a long time, I think, since she was about fourteen or fifteen years of age - I think she is now about twenty eight or thirty. For the last eight or ten years her health has been ^{very} ~~but~~ delicate, and in my opinion she is entirely unacquainted with business transactions. - I think she was married at the age of about eighteen, since which time or some short time afterwards, her life has been a very unhappy one, from domestic troubles, and is now forsaken by her husband - M. S. Goodwyn

Sworn to and subscribed to the day and year, and at the place mentioned in the Caption, whereupon at the request of the plaintiff, her depositions not being completed, the taking thereof is adjourned over to the first day of Decr 1887, at the office of Wm. B. Shanks in the town of Jerusalem -

Wm. B. Shanks

The taking of the depositions in the suit mentioned above, being adjourned over to the 1st day of Decr 1887, at the office of Wm. B. Shanks in the town of Jerusalem. The Commissioner at the said time and place, proceeded to take the depositions of Saml. B. Hines and Miss Sarah Armsstrong to be used as evidence for the plaintiff -

Saml. B. Hines being first duly sworn, deposes and says as follows -

Question by Commissioner - Were you the acting representative of your mother?

Answer - I was -

Question - Did you take refunding bonds from any of the legatees and devisees of your mother?

Answer, From some of them I did -

Question - Where are they?

Answer - They are in my possession - (These bonds were handed over to the Commissioner and returned with their depositions)

Question. Did you pay to James Rockwell the \$1000 legacy given by your mother in her will to Henry M. Gray?

Answer. I did -

Question. Did you take receipt for it?

Answer. I did. (The receipt is herewith returned with these depositions).

Saml. B. Hines

Miss Sarah Armstrong being first & chiefly wrong
before and say as follows—

I became intimate in Mrs. Rochelle's family,
and an inmate of her house in Oct of 1846, where I remained
untill the 1st of July 1848. At that time I left, and was
absent till ^{about} the last of Dec 1848 when I returned and have
been a member of her family ever since. During the
eleven months of my absence, the terms of intimacy on
which I stood with the family so far from being dimin-
ished was rather increased, and I visited it very frequ-
ently. On one occasion (it was about the middle of March
of 1848) when I returned to Mrs. Rochelle's to spend a few
days, on entering, I found the house in a state of great
confusion, and saw the Reverend Simon Musfee
seated. Soon after Mr. Musfee left, I said to Mrs. Eyles
What is the matter? What is the cause of this state of excite-
ment which prevails in the family? She replied. Mr
Musfee has been here this afternoon and bought Car-
oline and her children. She then related to me the cir-
cumstances of the case, or I ought ^{rather} to say the particulars
of the sale, and express'd great discontent and dissatis-
faction at the whole proceeding. This transpired on Saturday
as well as I recollect. The following Monday County
Court was to be held in Southampton. On that day Mr
Musfee and others, came in to pay for the servants which he
had bought. Mrs. Eyles and myself were sitting in the
porch at the time. They passed by and entered the house
Mrs. Eyles remaining with me in the porch. In a few min-
utes her Mother came out, and requested and urged her

to go in, and speak to Mr Prentiss (who was with Mr Murfee) for his Father's sake, for he was an old friend of hers, and she wished her, to show that attention to his son. Accordingly Mrs. Tyler went. She staid only a short time and then joined me again, more dissatisfied if possible than when she left me. Antecedent to the time of the purchase of these servants by Mr Murfee, Mrs. Tyler had never conversed with me much as I remember on business matters connected with her Father's estate. She seemed always to be averse to taking any interest or part whatever in them, and never was present while they were being transacted unless she was particularly requested. Her thoughts appeared to be painfully, and almost wholly preoccupied by her own heavy, domestic troubles, which were severely and keenly felt by her delicate and sensitive mind. But subsequent to that period, they were the subject of frequent, confidential and entirely unreserved conversation between us, and never in any one of these conversations free and unreserved as they were, did Mrs. Tyler give the least intimation of, or make the slightest allusion to, any right at all she had in her Father's estate more than the Law gives to every child, till early in the Autumn of 1849 she was shocked by some one's informing her that her Father's Estate was unable to meet its liabilities. Wm S. Goodwyn Esq. confirmed what she had already heard, and also made her acquainted with the fact, that she had other rights under her Father's Will beyond a common case, if she thought proper to enforce them. The subject of this conversation with Mr Goodwyn, and what he had told her

she related to me, on the day in which it happened (I think) if not in a very few days after, and remarked at the time, that before she instituted any legal proceedings, she should wait and see her brother who was expected to return in a few days from Petersburg whither he had gone. After seeing, and consulting with him, she determined to prosecute and enforce her claims. This she deemed to be a duty she owed to herself and her three helpless little children who were dependant on her solely for sustenance and comfort. At the same time she said to me, "There is but a remnant of the estate now left, and if I can succeed in securing that remnant - even it will scarcely suffice to protect us from hunger and cold. Still as yet I heard no allusion whatever made to any other rights than those mentioned by Mr. Goodwyn. But some months after that period Mrs. Tyler told me, "that a friend, in whose legal knowledge she had the utmost confidence, had just informed her, that she had other rights under her Grandmother's Will." She then expressed great regret that she did not know sooner of her rights in the estate which she inherited from her mother under her Grandmother's Will and said, had she known them, she would have contended for the servants which Mr. Murfee had bought, at what she had long been convinced was an unfair price. Such a course she felt would have been legal, just, and honorable, and she would thereby have been enabled to save a pittance for herself and children. Before the information given Mrs. Tyler by Mr. Goodwyn of her rights, she knew nothing of them I am satisfied. In truth, I know she did not, as far as it is possible for one individual to know the mind and heart of another. Such knowledge if she had had any, would most certainly have been communicated during our many free and confidential conversations on the prospect before her, which surely at that time

was of the most gloomy and distressing character. Whilst that season of anxiety and distress was passing, and she was expecting nothing else, than for every thing to go under the hammer, and for herself and little ones to be left houseless and homeless, she talked over unreservedly with me many plans of future proceeding in order to gain a livelihood for herself and little dependants with the hope of fixing on some one which would prove feasible. At one time she proposed to me to unite with her in opening a school, and try that as a means of support. In the state of Poverty and utter Destitution which awaited her in prospect, she was sometimes buoyed up for a while by the hope that she should be able to do something for a living in that way. Then a view of her cheerless future would pass before her vision, and she would deeply deplore her pecuniary difficulties. I have heard her say then, "I will take my three little children on the next County Court Day, and go to the Court House, make an appeal to my Father's County Men, and tell them that I know they respect and love his memory, and will ask them for his sake, to aid and assist his unfortunate child." This was her language to me perbatim, not only once, and twice, but she repeated it over and over, many, many times.

Sarah J. Armstrong

The above deposition of Saul. B. Hines
and Sarah J. Armstrong were sworn
to and subscribed to before me on
The day and place mentioned in the
Caption -

W. W. H. O. L. C. O. M. E.

Hyhail
A

\$ 1300

Low Mumpsh Cy April 1850

Received of Amley Davis Eighteen hundred

Dollars, being in full for the purchase of Seven
Negro Slave named *Caroline, Mary, Leroy, Henrietta*
Jim, Jesse & George
the right and title of said Slave I warrant and defend against the claims
of all persons whatsoever, and likewise warrant them sound and healthy.

As witness my hand and seal.

E. H. Mumpsh

[Signature]
SEAL.

Martha Hines

Will

Tyler

to } Exhibit with Bill

Rockville Jr

, B,

I Martha Hines of the County of Southampton being in the possession of a perfect memory and a sound mind, do hereby make, ordain, constitute and appoint this to be my last will and testament revoking and annulling all other wills by me heretofore made. This 29th of March 1878. In presence. In pursuance of the authority and power vested in me by the last will and testament of my deceased husband William Hines, I dispose of the slaves under my control by virtue of that will in the following manner to wit:

I give and bequeath to my son Robert Hines his heirs and assigns forever, Nancy and her child Harry and her future increase. Delilah and her two children Katy and Sally and their future increase. Amy and her child Liddy and their future increase. Sarah & Comfort the youngest children of Comfort & their future increase. and Ben and Anthony.

I give, bequeath and allot to my son George Hines, Gilly and her child Eddy and their future increase, Jim, Isham and also Ary and her child ^{Peter} which are now in his possession.

I give, bequeath and allot to my son William Drew Hines, Jim Dennis, Andrew, Lewis, Archie, Limbrick, Courtney and her children Billy, Henry, John, Julia, Lurany, and Dorislafe and their future increase, Lizzy and her future increase, Lucy and her future increase, Chamy and her children Minerva and Esther and their future increase old Kate and old Jenny.

I give bequeath and allot to my son Samuel B. Hines, Bolling, Isaac, Jacob, Comfort, and her children except her children Sarah and Comfort heretofore given to my son Robert, Nathan, George, Mary, Eddy, Hatturall and Peterson and their future increase, Charlotte and her children Rob, Polly, Lucinda, and Suky and their future increase old Sam, old Nancy, and boy Isham son of Amy.

I give, bequeath and allot to my daughter Martha F. B. Rochelle old Jim, Beck and her children Perry, Matison, Charles, Leroy, and Cagwell and their future increase, Franky, Jenny and Lucy and their future increase. but in case my said daughter Martha should die without leaving issue at the time of her death, it is my will and desire that the aforesaid slaves with their future increase should be equally divided between my children. Robert, George, William Drew and Saml. B. Hines or the descendants of each of them as may be dead. and if my said daughter should die leaving children it is my will and desire that the said slaves and their future increase should belong to and I do hereby give the same to such children as she may leave.

The slaves which I have heretofore bequeathed to my son William Drew Hines together with whatever else I may hereafter bequeath to him it is my express will and desire should remain in the

possession and under the control of my son Robert Hines and my friends James Rochelle and George Beow and I do hereby appoint them trustees for the purpose of taking care of the same and applying the profits thereof to the support and maintenance of my said son William Drew Hines as long as he may live. And if my said son William Drew should marry with the consent of the aforesaid Trustees or a majority of them and have children it is my desire that his family should enjoy the benefit of the above bequests so long as he may live: and if he should leave children of his marriage then it is my will and desire that his children after his death should have possession of every thing herein given to him. In case my said son should die without leaving children of his marriage contracted by and with the consent and approbation of the said Trustees or a majority of them as aforesaid, it is my will and desire that every thing hereinbefore or which may hereafter be given to him be equally divided between my sons Robert George and Saml. B. Hines and my daughter Martha F. B. Rochelle or the descendants of such of them as may be dead, subjecting nevertheless the interest which my said daughter may have herein to the like limitations as those annexed to the foregoing bequest to her.

And it is further my will and desire that in case any of the persons above named should refuse to act or die before the trust herein conferred to them be at an end that the number should be preserved by an appointment of a court of Chancery and that they or majority of them shall have full power and authority to do and act in the same manner as I have herein requested and empowered the said three persons or a majority of them to do act.

I give to my son William Drew Hines a silver watch ^{which} belonged to his father

I give to my son Samuel B. Hines a silver watch to be purchased by my Executors hereinafter named. I also give to my said son Saml. B. Hines four beds with their furniture my household & kitchen furniture all my stock on the plantation, and my debts or debts which in his individual capacity he may owe me.

I give four beds with their furniture to my son William Drew Hines, to remain with my son Saml. B. Hines so long as my son William lives with him.

It is my will and desire that the slaves be kept upon the plantation whereon I now live in case I should die after the first day of March in any year and then to be returned to the person to whom they are given well clothed at the expense of my son Samuel B. Hines. And no matter at what season of the year I may die, I give

the provisions laid up for the use of the family and stock upon the plantation and the growing crop and plantation utensils to my ^{son} Samuel B. Hines.

I give John a chieft of Country mentioned in the bequest to my son William D. Hines to my son Robert Hines.

I give and bequeath unto my grandson Henry M. Gray One thousand dollars. In case my said grandson should die under the age of twenty one years and without leaving children I give the said One thousand dollars to my daughter Martha F. B. Rochelle and her heirs but in case she should die without leaving children then I give the same to my four sons or the descendants of such of them as may be dead.

The rest and residue of my estate I desire may be applied first to payment of my debts and then to the payment of the pecuniary legacies herein bequeathed. And the balance to be equally divided among all my children.

I hereby nominate constitute and appoint my son Robert Hines and my friends George Beow and James Rochelle executors of this my last will and testament.

Signed sealed published and declared by the said Martha Hines as and for her last will and testament in presence of us

Martha Hines

James Freyvant
James C. Little

I, Martha Hines do hereby make this writing as a codicil to my last will and testament.

I revoke so much of my former will as relates to the devise of the negro man Jim to my son William Drew Hines and do hereby give devise and bequeath the said negro man Jim to my daughter Martha F. B. Rochelle and her heirs forever under the like limitations as are annexed to the devise to her in said will.

I revoke so much of my former will as relates to the devise of the negro man Andrew to my son Wm. Drew Hines and give devise and bequeath the said negro man Andrew to my ^{son} George Hines and his heirs forever.

I revoke so much of my former will as relates to the devise of old Jim to my daughter Martha F. B. Rochelle and give devise and bequeath the said negro man Jim to my son Wm. Drew Hines under the like limitations and restrictions as are annexed to the devise to him in said will. In Testimony whereof I have hereunto

Set my hand and affixed my seal, This 25th day of July 1818
Signed sealed published and declared
by the said Martha Hines as a codicil }
to her will, in presence of us

Martha ^{her} Hines 
mark

James Freymont.
James C. Little.

At a Court held for the County of Southampton the 17th day of Aug 1818
The last will and Testament of Martha Hines dec^d together with the
codicil thereto annexed was proved by the oaths of James Frey-
mont and James C. Little the witnesses thereto & ordered to be
recorded. And at a Court held for the said County of So. on the 21st
day of Sept 1818, James Rockwell one of the executors therein
named refused to take upon himself the burden of any part of
the execution thereof. And at a Court held for the said
County the 16th day of November 1818, Robert Hines and
George Blow the other executors therein named refused to take
upon themselves any part of the burden of the execution of the
said will: And on the motion of Saml. B. Hines son and heir who
made oath and together with Jno. Merguhart and Francis Ridley his
securities entered into and acknowledged above in the penalty
of fifty thousand dollars conditioned as the Law directs,
Certificate is granted the said Saml. B. Hines for obtaining
letters of Administration on the estate of his said mother, Martha
Hines dec^d with her will annexed and heretofore recorded
in this Court, in due form.

Test. James Rockwell, C. C.

Attest
Teste J. R. Edwards C. C.

Wm: Stines'

will.

Taylor

to } Exhibit with Bell

Rockelle & Co

, Co

In the name of God amen! I William Hines of Southampton County, do make and Ordain this to be my last will and Testament, as follows, to wit:

1st - It is my will and desire that the two tracts of land which I own in the Counties of Brunswick & Greenville (partly in each) as now settled with all and singular the negroes stocks & plantation utensils now thereon as also the negroes belonging to me in possession of my son George Hines be sold by my Executors or Administrators if in their opinions it be necessary or proper so to do to the best advantage & with the proceeds thereof, or so much as becomes necessary, pay all my just debts.

2nd - I give one half of all the lands I possess in Sussex & Southampton County about twelve or thirteen hundred acres to my beloved wife Martha Hines to and for her natural life.

3^d - I give to my son Samuel B. Hines the other half of my said lands in Sussex & Southampton to himself ^{and the money as devised to his mother for life} & his heirs forever. I also give to my said son Saml. Hines upon the death of his mother to himself & his heirs forever subject however to the condition as hereinafter mentioned.

4th - It is my will and desire that no division of my said lands in Sussex & Southampton take place between my said Son & his mother during his natural life unless by mutual consent and in that case, that the dividing lines be straight ones. And it is moreover my will that my said son Saml. live with his mother in the mansion house where I now reside for the purpose of aiding and assisting & assisting in her comfortable maintenance ^{and support} so long as she my wife shall wish him so to do, & for the purpose of more effectually allowing such support - it is

5th - My will and desire that there be no sale of any of the negroes stock or plantation utensils usually kept considered and considered as belonging to the said plantation on which I now reside till the death of my wife, but that the same and all of them remain on the said plantation as now kept up till the death of my said wife & be under her and my ^{SE} son Samuel's control for such purpose only To wit: for the mutual & comfortable support of my said wife & son Samuel till the death of his ^{his} mother as aforesaid and also for the support of my daughter Gray & her child so long as she remain with her mother and which I wish her to do.

6th - It is my will and desire that in regard to all & every of the said negro slaves and their increase the use of which I have as aforesaid devised to my said son Samuel, my daughter Gray & child & my ^{said} wife during the life of

the latter as aforesaid, and which are as aforesaid directed to remain unsold on the plantation as aforesaid, that my beloved wife will before her death make such division & allotment of them among all her children or their legal representatives, if dead - as she may deem just and proper or as they & herself may agree upon to take effect only on her death - & which division & allotment when so made by their mother it is my will & desire that all my children concerned abide by -

Y^{ly}. It is my will and desire that the bequest made in favor of my son Samuel Hines in the third clause of this will be considered as charged with the necessary expenses to be incurred for the decent and comfortable support & apparel of my son William D. Hines during his natural life, to be allowed as hereafter mentioned.

Y^{ly}. I nominate and appoint my sons George Hines & Samuel B. Hines for the special purpose of acting as trustees together in behalf of their brother William D. Hines, to whom I give and devise so long as he lives a decent and comfortable support with all necessary apparel at the expense of my son Sam^l. as aforesaid - & I do moreover authorize and require my said sons to see that this provision is uniformly & to the best advantage carried into effect in his favor - & moreover will & fully authorize them in case such a change in my s^d son's habits & conduct should happily take place so as to give a well founded hope of a sober & correct conduct, that they my said two sons in their mutual discretion may not only afford to my s^d son the annual support as aforesaid allowed him, but also allow to him such other benefits & profits or vest him absolutely with such other property to be taken from my estate as they shall be of opinion a more correct & sober conduct should merit on his part.

Y^{ly}. All the rest and residue of my estate not mentioned or provided for after the payment of my debts & legacies as mentioned, I devise to the use of my wife & to be disposed of as she may think proper -

10 I nominate and appoint my sons George Hines & Samuel B. Hines, as Executors of this my last will & testament annulling all others - Given under my hand and seal, this fifth day of January eighteen hundred & fifteen.

In presence of
James C. Little
John B. Bais
Frederick D. Felts
Mark

William Hines (Seal)

At a Court held for the County of Southampton The 16th day of January 1815
This Will was presented in Court by the Executors therein named, sworn by the oaths of the witnesses thereto and ordered to be recorded -
And on the motion of George Hines and Samuel B. Hines the Executors therein named who made oath according to Law. Certificate is granted them for obtaining a probat thereof in due form on their giving bond and security, Whereupon &c.

Teste, Jas. Rochelle, C. C.

A. Copy. Teste. J. R. Edwards C. C.

Wills. (Exhibits)

15 L.L. 289. Sussex River

Oct 1. 297.

200 p. Books & Works
not 336.

2 Cods 520. Money

^{over}
Principal paid - is what has
been paid ~~to~~ Grand -
children.

H. L. L. - 10/10/2006
Money 352..

Letts for 72 cents paid

Abstract from the Will of William Hines - Recorded January 15th 1815.

5th. My Will and desire is that there be no sale of any of the negroes, stock or plantation utensils usually kept; considered & considered as belonging to the said plantation on which I now reside, till the death of my wife, but that the same, and all of them, remain on the said plantation, as now kept up, till the death of my said wife & be under her and my S^r Son Samuels control for such purpose only, to wit, for the mutual & comfortable support of my said wife & Son Samuel till the death of his mother as aforesaid, and also for the support of my daughter Gray & child so long as she remains with her mother, & which I wish her to do -

6th. It is my will and desire, that in regard to all and every of the said negro slaves, & their increase the use of which I have as aforesaid devised to my said son Samuel, my daughter Gray & child & my said wife during the life of the latter as aforesaid & which are as aforesaid devised to remain unsold on the plantation as aforesaid, that my beloved wife will before her death, make such division & allotment of them, among all her children or their legal representatives, if dead - as she may deem just & proper, or as they & herself may agree upon - to take effect only, on her death - & which division & allotment when so made by their mother, it is my will & desire that all my children concerned abide by -"

Abstract from the Will of Martha Hines - Recorded 17 August 1818.

"I give bequeath and allot to my daughter Martha F. B. Richells old Jim, Beck, and her children Perry, Matilda, Charles, Leroy and Jazewell and their future increase - Franky, Jenny, and Lucy and their future increase - but in case my said daughter Martha should die without leaving issue at the time of her death, it is my will and desire that the aforesaid slaves with their future increase should be equally divided between my children, Robert, George, William Drew and Samuel B Hines or the descendants of such of them as may be dead - And if my said daughter should die leaving children it is my will and desire that the said slaves and their future increase should belong to and I do hereby give the same to such children as she may leave -"

Teste. L. R. Edwards clerk
Apr. 29. 1850

W. H. May, Esq.
S. B. Jones, Esq.
London

Tyler by V.
to 1

Rochelle V.

Filed with the deposition
of James B. Jones taken by
Comm. Cobb. December 29th

1851.

J. R. Edwards

I know all men by these presents that whereas, my Mother
(Martha Bines) by her last will and testament dated
the 29th day of March in the year 1818, and duly recorded in the
County Court of Southampton, as by the records of said Court
will more fully appear, devised, after payment of her debts
all the estate of every kind, among her children as within
her control; and whereas, my Mother, Samuel B. Bines
being duly qualified as her Administrator with the will annexed,
and in virtue of such office, possessed himself of the said
estate, and whereas, it being the opinion of said Samuel
that from the small amount of debts due from the said
Martha and the abundance resulting from the
residuary debts, funds and other personal estate, indi-
pendant of the negroes, devised on hand and belonging
to the said estate, there will be more than enough
after payment of the several legacies to discharge
all the just debts; and whereas, under such impressions,
said Samuel has already delivered over to me as one
of said devisees, all the negroes as devised to me in
the said will, (as therein more particularly expressed)

Now these presents Witnesseth that in case on a
full administration and adjustment of the said estate by the
said Sam^l on his Mother's will, it should legally appear
that after delivering over, and payment made to each
and all the said devisees, under the said will of
their respective legacies - there will not remain a
sufficiency of assets in his hands, arising from other funds
to be applied, under the direction of the said will, for
the entire payment of said Martha's debts, as aforesaid -

I do under such circumstances agree and promise
I bind myself, immediately to refund to said Samuel
as much with the will annexed of his Mother my just
and proportionable part of money with the other devisees,
& agreeably to the respective values of such legacies,
as shall be legally proper and necessary, under such
circumstances to refund to the said Administrator
Signed sealed & Given under my hand and Seal this tenth
day of February 1819. Robert Bines, Esq.

Tyler by J^r

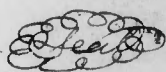
& }

Rockwell J^r

Returned with the deposition
of Saml. Atkins taken by
Com. Cobb December 1st
1857

J. H. Edwards

Know all men by these presents that whereas, Martha Hines by her last will and testament dated the 29th day of March 1818, and duly recorded in the County Court of Southampton, as by the record of said court will more fully appear devised after paying of her debts all the estate, of every kind among her children as within her control; and whereas, Samuel Hines, has duly qualified as her Administrator with the will annexed, and in virtue of such office proposed himself of the said estate, and whereas, it being the opinion of said Samuel, that from the small amount of debts due from the said Martha, and the abundance, resulting from the residuary debts, funds, and other personal estate independent of the negroes devised, on hand and belonging to the said estate; there will be more than enough, after payment of the several legacies, to discharge all her just debts; and whereas, under such impressions said Samuel has already delivered over to me in right of my wife as one of said devisees, all the negroes as devised to her in the said will, (as therein more particularly expressed) Now these presents witnesseth that in case on a full administration and adjustment of the said estate by the said ~~admin~~ on his mother's will, it should legally appear that after delivering over and payment made, to each and all the said devisees under the said will, of their respective legacies - There will not remain a sufficiency of assets in his hands, arising from other funds to be applied under the direction of the said will, for the entire payment of said Martha's debts, as aforesaid - I do under such circumstances agree and promise & bind myself immediately to refund to said Samuel, as ~~admin~~ with the will annexed of his mother, my just & proportionable part of money with the other devisees, and agreeably to the respective values of said legacies, as, shall be legally proper & necessary, under such circumstances to refund to the said administrator - Given under my hand and Seal this tenth day of February 1819

James Rochelle. - 

Tyler by ~~for~~

to 3

Rockwell &

Lat. Rockwell

Receipt

Filed with the deposition
of Capt. B. Davis taken
by Com. Col. Mearns
1st 1851

J. R. Edwards

February 10th 1819 Received of Capt. Samuel B Hines adm^r
with the will annexed of Manthas Hines dec^d. the Sum of
One Thousand Dollars. ~~in~~ full of a legacy left
Henry M. Gray orphan of Henry M Gray dec^d. by the
Testament and last will of said Manthas Hines dec^d.

James Rochelle Guardian
to Henry M Gray orphan of
Henry M Gray dec^d.

Tyler

&

}

Infow. bond

Rochelle et als.

Know all men by these presents that we ~~Samuel B. Thomas~~ ^{Wm B Thomas} Principal and
Jesse S. Barham Security - are held and firmly bound unto Martha B Rochelle,
Simon Murfee, Ansley Davis, Lewis F Hicks, John Tyler Jr. 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 ourselves, our heirs, executors and adminis-
trators jointly and severally, firmly by these presents. Sealed with our seals and
dated this 6th day of May 1850.

The Condition of the above obligation is
such that whereas Martha F. B. Tyler who sues by her next friend Samuel B
Hines hath obtained from the Circuit Superior Court of Law and Chancery for
the County of Southampton an injunction, to restrain Martha B Rochelle, Simon
Murfee, Ansley Davis and Lewis F Hicks from removing or causing to be removed
from the Commonwealth of Virginia, or permitting the same to be so removed, the
slaves Caroline, Mary, Leroy, Henrietta, James, Jesse and George - Now if
the said Martha F. B. Tyler shall pay and satisfy the defendants Martha B
Rochelle, Simon Murfee, Ansley Davis, Lewis F Hicks, John Tyler Jr & James H
Rochelle their costs in case her injunction be dissolved, then the above obligation to be
void or else to remain in full force -

Wm B Thomas 
Jesse S. Barham 

Southampton County In the Clerk's Office of the Circuit Superior Court of Law &
Chancery for said County the 6th day of May 1850.

This day Jesse S Barham — the security in the above bond
made oath before me, Clerk of the said Court that his estate after the payment
of all his just debts is worth the sum of One hundred dollars, the penalty of the
said bond

L.R. Edwards

Egler

in } . Indls

Rochelle

Nov - 1887.

returned by J. S.

Sholten for Haven

examined record books

R. H. Baker -