1820-035 Chancery Causes: Michael Edwards + ux VS John Womble + ptor

Isle of Wight County

other SURNAMES: Stallings
Wombwell

aid of this court - To the end therefore that they may obtain the said Samuel Womble may be made a defendant to this bill of complaint, and that he may, on his corporal oath, full, true and perfect answer make to all and singular the allegations aforesaid, and that as fully as if the same were here repeated and he thereto particularly interrogated. They pray that your Worships will decree that her dower in the estate of John Womble be assigned to them and appoint proper commissioners for laying off the same, and also that the said Samuel out of the estate of the said John pay to them the amount of the said bond and interest - or that your Worships will make such other order or decree in the premises for her relief, as may seem just &c. May it please &c.

Richd. Hl. Boyd
S. Q.

Womble
v
Womble
Bill -

Edwards Exr.
Bill
Wombwell
June 1800
Bill filed
Nov. 1800
Answ. filed
May 1820 dismissed
with leave to reinstate in
3 months

To the justices of Isle of Wight county, sitting in chancy.

humbly complaining, sheweth to the court, your oratrix oratorix and Michael Edwards, and Lucy his wife (late Lucy Womble) Womble.

That John Womble your oratrix's late husband departed this life on the 15th day of April A.D. 1804. after having duly made and published his last will and testament in writing. That ~~your oratrix~~ the was dispatisfied with the provision made for in the said Will, and regularly renounced the same in this court. That a certain Lemuel Womble is his admr. your oratrix oratorix & has demanded of the said Lemuel Womble her dower in the said estate, who wholly refuses to assign the same to her. They admit that her said husband left them five negroes and a large stock of every description. They admit that she bought some articles at the sale, but nothing like the amount of her dower. They say also that she bought stock and sundry articles at the sale of Joseph Stallings her first husband and gave her bond for the same, which amounted to £57.6. That all the articles which she so bought got into the possession of her last husband (John Womble) and has actually been sold by the said Lemuel as a part of John Womble's estate. Annexed is a the ?? bond and list of the said articles, which she begs may be taken as a part of this bill. That she has paid off the said bond since the death of the said John Womble, and now Lemuel Womble refuses to refund even that. For tender consideration whereof, and for as much as your oratrix oratorix and cannot have remedy, they pray

The answer of Lemuel Womble, Executor of John Womble, to the bill of Complaint exhibited in the County Court of ~~Hanson~~ Isle of Wight by Lucy Womble against him, This respondent, saving to himself all manner of right of exception to the said bill, for its many imperfections, for answer thereto or to so much thereof as he considers material for him to answer unto, he answereth saith. That he is perfectly willing and desirous, that the Complainant shall have her dower in the residue of the estate of her late husband John Womble, whatever the debts are paid and the estate so settled as to ascertain what the residue of the estate may be in kind and value. This, this respondent is endeavouring as much as possible to bring about and shall be gratified by its accomplishment. He laments that the complainant by her own conduct and, in a measure by her own showing, retards the event so much desired by each party, by withholding from this respondent a debt which she owes for articles purchased at the Sale of the said estate. — This defendant admits it may be and probably is true, tho: he does not pretend to know the facts of his own knowledge, that the Complainant purchased goods at the Sale of Joseph Stallings, that she was legally possessed of them in her own right when she became Mrs Womble and that said John her husband appropriated them to his own use. And it may moreover be true that the Complainant has paid the bond given for the same goods since she has been the Widow of said Womble. But if all this is true, yet he contends under the laws of this land then and now existing, that

the goods, Chattels & Credits which were the property of said Lucy at the time She intermarried with the said Dunn absolutely vested in and became his own bona fide property and therefore that he did right in using them as he pleased. This defendant further Contends and avers it to be Settled and well Known law in this Country, that tho' the debts due by a feme sole, are recoverable from her husband at any time after her marriage & during her life, from her husband, yet that after her death, before they are recovered they cannot then be demanded, and that then and in such case he is by no means liable for them. —

Your Orator prays therefore to be hence dismissed with his costs in this behalf expended and he as in duty &c.

Barber for defts. —

Wombwell

to Spa: in Belg.

Wombwells Comm.

Rec'd Byrne's Acc
for plt. ...

The Commonwealth of Virginia to the Sheriff of Isle of Wight County
Greeting; we Command you that you Summon
Samuel Wombwell Administrator of John Wombwell dec'd.
to appear before the Justices of our County court of Isle of Wight at their
Courthouse of said County, on the first monday in August next
then there to answer a bill in Chancery against him
Exhibited by Lucy Wombwell
" " " " " "
and this he shall in no wise omit, under the penalty of £100
and have then there also this writ. Witness Nathaniel
Young Clerk of our said Court the 12th day of May 1800
& in the 30th year of the Commonwealth

Nathaniel Young

Edwards Widow
vs Spec: in Chy
Wembley admr.

Exec'd

Henry Wells Esq
D. Queen Ltr

The Commonwealth of Virginia to the Sheriff of Isleofwight County Greeting:
You are hereby Commanded to Summon Samuel Womble administrator
of John Womble dec'd — to appear before the Justices of our county
court of Isleofwight at the Courthouse on the first monday in March
next to answer a bill in Chancery against him — exhibited by —
Michael Edwards and Lucy his wife late Lucy Womble — and this
he shall in no wise omit under the penalty of £100 and have
then there this writ. witness Nathaniel Young Clerk of our said
Court at the Courthouse the 8th — day of December 1806 in
the 31st — year of the Commonwealth — —

Nath'l Young

Samuel Wombwell, Exor of
Lucy Wombwell the within
Recourse to ——————

John Wombwell pay to
contents without having
James Ewatting

Lucy Wombwell
Exr
£ 17.8.—

Know all Men by these Presence that we Lucy Stallings and
of Isle of wight County are held and firmly bound
Unto James Gwaltney Exor of Joseph Stallings, decd. in the just
and full Sum of one Hundred & fourteen Pounds Sixteen Shillin
gs Curren Money of Virginia, to which payment well and
truly to be made we bind ourselves Jointly & Severally
our Joint & Several Heirs Exors &c firmly by these presents
Sealed With our Seals & dated this 19th day of January A D
One Thousand Eight Hundred & two

The Condition of this obligation is Such that if the above bound
Lucy Stallings and there Heirs Exors &c do and Shall
Well and truly pay or cause to be paid Unto the Said James Gwaltney
his Certain Attorney his Heirs Exors &c the Just Sum of Fifty Seven
Pounds Eight Shillings of like Money on or before the 19th day
of September next then this obligation to be Void or else to re
main in full force & Vertue

Signed Sealed & Acknowledged
in presence of
Rebeckah Taylor

Lucy Stalling (Seal)
(Seal)