

1877-007 Chancery Causes Thomas & Adams' Trustees, for & c vs Benjamin F. Womble's admr
Isle of Wight County

Other surnames: Thomas,
Hayden, Young, Adams, Hall,
Whitehead, Carroll, Bailey,
Edwards, Gwaltney, Pasteur,
Valentine, Jordan

my
Thomas Adams
Trustee } In
 } Chancery

Thos Womble
Adm.

Complaints -

Bill -

1876.

March 11th. Bill filed
& de. nisi.

Apr. 11th. Bill taken
for confessed debt for
hearing.

April 11th 76. Court

"October" " de. for acts

April 77. Rept. Confd. &
for distribution

"Acls. Ct. 1877.

Final Decree

appointed to take an account of debts against
said interdictor his estate under a decree in
this cause & that such other & further
relief may be granted in the premises as to the
Court may seem meet & the nature of the
case may require Your complaisance will
ever please

Weyden for

from the estate of John W Womble a
brother of said B F Womble the sum
of \$152.20 that the funds in the hands of
said Administrator are your complainants'
~~believe~~ the only assets of said intestate - that
your complainants & the other creditors of
said intestate are entitled to require the said
administrator to settle up the estate of his said
intestate & apply the assets in due course of ad-
ministration. In tender consideration whereof
& for as much as your complainants are with-
out remedy at law, & can only be relieved by the
aid of this Honorable Court of Chancery where
matters of this sort are cognizable, to this end
your complainants pray that the said L B
Edwards as Administrator of B F Womble de'd
be made a party Defendant to this Bill, & be required
to answer the same - that he be required to
render an account of his said intestates estate,
the balance in his hands as ascertained, & the said
balance after paying thereout the expenses of this
suit inclusive of such Attorneys fee as the
Court may judge reasonable to be taxed for the
services of the Attorney in this cause, applied
in the payment of the debts of your complainants
& of such other creditors as may choose to con-
tribute to the costs of this suit, & may be found
to be due by said intestate by a commissioner

1

& your complainants are informed & so
charge that no portion of said debts were
paid under said decree -

That among the debts repaid in said
A/c B & S as due by said B F Womble, the
following debts were repaid as due
Thomas Adams, to wit:

Bond for \$ 332.58 with interest from May 7 - 1846
do as assignee of J B Whitehead for \$ 134.00 & int Dec 31/46
do as do G. W. Canoll, \$ 70.00 & int Jan 1/43
do as do of H C Bailey for \$ 80.00 & int do

That on the day of 18 the said
Thomas Adams by their deed of that date
duly recorded in the clerk's office of said
County, for the purposes in said deed
mentioned, a copy of which marked E
herewith filed & prayed to be taken as a
part of this Bill, assigned all their
claims in action to your complainants,
who by virtue of said assignment have
the right to sue for & recover said debts
due to the estate of said B F Womble -
That the said Thomas Hall has since
departed this life & the estate of the
said B F Womble has been committed
for administration de bonis non to
L B Edwards the present Sheriff of this
County - That the said L B Edwards
as such administrator has received

I prayed to be taken as a part of this Bill -
That the confirmation of the said ac of debt
in the said B F Womble inclusive of interest to
the 18th of October 1837, amounting to \$1294.58
had the force of a judgment against the said
B F Womble's estate in favour of the several
creditors named in said account of debt -
That the debt reported in said Ac A as due
to H N Womble was wholly paid off out of the
trust assets in his hands under the deed

Exhibit

B ~

of Trust a copy of which marked B, is
herewith filed I prayed to be taken as a part
of this Bill, as shown by the Ac taken
in said suit marked C herewith filed
I prayed to be taken as a part of this bill -

Exhibit

C

That it further appears from the said
Ac C that after satisfying the debt due
by said B F Womble to the said H N Womble
there remained in his hands for the benefit
of the ^{other general} creditors named in said Ac C the
sum of \$160.45 which by the decree in
said suit of May Term 1841 was
decreed to be paid pro rata among said
creditors - as will appear from a certified

Exhibit

D

copy of said decree marked D I prayed
to be taken as a part of this Bill - That no
report was ever made by said H. N. Womble
showing his compliance with said decree

To the Honorable George Blount Judge of
the Circuit Court of Chancery for
the County of Isle of Wight:

Humbly Complaining sheweth to the
Court your Complacants R S Thomas,
C B Hayden & P Goreing Trustees for James Thomas
& John E Adams late partners trading under
the partnership name & style of Thomas Adams,
Suing on their behalf & that of all other creditors
of B. F. Womble deceased, who may chuse to
contribute to the costs of this suit: That heretofore
to wit; on the day of 1835 the said
B F Womble departed this life intestate in the
County of aforesaid & at the term 1835
of the County Court of said County, the
estate of said intestate was committed
for administration to Thomas Hall then
Sheriff of the County of aforesaid - That in
Sept 1837 the said Thomas Hall as administrator
in of said intestate constituted a chancery
suit in the Circuit Court of said County
for the purpose of settling the estate of
his said intestate, in the course of
the proceedings of which suit it became
necessary to take an account of the out-
standing debts due & unpaid by the said
intestate, which account was regularly
taken & confirmed; a certified copy of
which account marked A, is herewith filed

Thomas & Adames
Trustees for self sale.

v. 3 Dean, in
clay.

P. F. Womble's adm.

To March rules 1876
Hayden pfg.

Deed in a certain copy
of the Record Book

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON *L. D. Edwards Sheriff & admr. de
curat. of Benjamin F. Womble decd.*

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the said Court, on the first Monday in *March 1876* ~~next~~ to answer *the Bill in chancery of J. S. Thomas, C. F. Hayden & N. P. Young trustees for James Thomas & John B. Adams late partners under the style of Thomas & Adams suing for their own benefit & that of all other creditors of B. F. Womble decd.*

of a piece of *land* for \$ *1000* Damages \$ *1000* And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the *30* day of

March 1876, in the *100th* year of the Commonwealth.

N. P. Young Clerk

W. H. Allen Ins.

to J. H. L.

W. H. Allen

Sumner's Report on the
State of October Term 1876

April 6th 88 of C. L. Allen

in dignity of the respective debts, 3rd On account of the real estate of which the
the said Benj B. Noble died seized and possessed with the full simple and the annual
value thereof reports to court that on the 6th day of December 1876 he issued notices
against the said parties requiring them to attend the settling of the said account
at his office aforesaid on the 10th day of January 1877 which order was returned
to your commissioner duly acknowledged, and on the date of the report
your commissioner completed the foregoing account of the transactions
of the said B. B. Edwards as administrator de bonis non of the said B. B. Noble
and finds that there is due by the said administrator to the said estate on the
3rd day of April 1876 the sum of \$11,842 and there is no evidence before your com-
missioner that any other funds have come or ought to have come into the hands
of the said administrator, Your commissioner has also stated an account of the
debts and demands of the plaintiffs and of all other creditors of the said B.
B. Noble, and finds that said debts are all of equal dignity and amount with
interest thereon to October 18th 1857 to the sum of \$1294⁵⁸ Your commissioner did
not deem it necessary to calculate the interest on said debts subsequent to the date
to which it was calculated in exhibit A filed with plaintiffs bill as the assets are
insufficient to pay the amount of debts reported. Your commissioner further re-
ports that all the land of which the said B. B. Noble died seized has been sold
under a decree of court decreed by said B. B. Noble in his life to satisfy the pur-
pose of said trust.

Given under my hand as a commissioner of the said court
this day and year first aforesaid

Thos. B. Johnson

I am employed Thomas J. J.

Account brought forward		1159 32
To Levi Whitting balance on judgment Sept 26 th 1845	23 46	
Interest thereon as above	16 95	40 41
" A B Pearce bond due Oct 1 st 1849	10 76	
Interest thereon as above	5 19	59 5
" Allen Edwards bond due July 28 th 1849	9 00	
Interest thereon as above	4 68	13 68
" E. C. Pearce bond due July 25 th 1850	13 21	
Interest thereon as above	6 16	19 37
" B. B. Bond bond due Dec 20 th 1848	27 97	
Interest thereon as above	15 88	45 85
		129458

Southfield April 5th 1877

Commissary Office

To the Circuit Court of Lee of Wight County

Pursuant to a decree of the said court rendered on the 2nd day of October 1876 in a suit on chancery depending therein between A. J. Thomas & B. K. Kuyper and it offspring Trustees of Thomas & Kuyper's Dying on their own behalf and in behalf of all other creditors of B. J. Wmble dec'd plaintiffs and L. B. Edwards Sheriff and as administrator de bonis non of B. J. Wmble dec'd defendant the undersigned a commissary in chancery of the said court to whom was referred for settlement by said decree 1st An account of the transactions of the said L. B. Edwards as administrator de bonis non of B. J. Wmble, and of any assets of the said B. J. Wmble which have come or ought to have come to the hands of said Administrator, 2nd An account of the plaintiffs demand against the said B. J. Wmble, and of the demands of all other creditors of the said B. J. Wmble or his estate which may choose to contribute to the costs of this suit, and looking to the account the commissary shall take as prima facie correct, subject to be surcharged and falsified by either party the account of the debts of the general creditors of said B. J. Wmble contained in exhibit C filed with complainant's bill, and of the report

The Estate of B F Humble

See account with L B Edwards his administrator of bond non

An account of the plaintiffs demands against the said B F Noble
 & of the demands of all other creditors of the said Benjamin F Noble or
 his estate.

40
James & Edward Fendler

41

B. J. W. W. W. W. W.

James Fendler

Seni'ce A. Penabaz

C B. W. W. W.

W. J. W. W. W.

value thereof. At which time and place you are required to at-
tend.

Given under my hand as a commissioner in and among
of the said Court the day and year first above written
Geo. C. Peterson

Commissioners Office

Smithfield Dec 6 1876

To R Thomas, C B Hazler and A Young trustees for James Thomas
and John Edwards late partners under the style of Thomas & Sons
suing for their own benefit and that of all creditors of B & W
Humble decedent

Plaintiffs

and to

L B Edwards Sheriff and Administrator decedent of B & W Humble decedent

Defendant

You are hereby assigned that I am paid upon the 10th
day of January 1877 at my office to take and report the following
accounts required to be taken by the decree of the Circuit Court of Alle-
gheny County rendered on the 21st day of October 1876 and sent in
obeying depending therein, in which you are parties plaintiffs and defen-
dant, to wit 1st An account of the transactions of the said L B Edwards
as administrator decedent of B & W Humble, and of any assets
of the said B & W Humble which have come or ought to have come to
the hands of the said administrator.

2nd An account of the plaintiffs demand against the said B & W Humble
and of the demands of all other creditors of the said B & W Humble
or his estate who may choose to contribute to the cost of this suit, in
taking which accounts the commissioners shall take as prima facie
correct subject to be discharged and falsified by either party the
account of the debts of general creditors of said B & W Humble
contained in exhibit "C" filed with my warrants bill, and of
the debts of the said B & W Humble.

3rd An account of the real estate of which the said B & W Humble
and seized was possessed with the fee simple and the annual

Benj. F. Womble or his estate, who may choose to contribute to the cost of this suit, in taking which account the said Court shall take as prima facia correct subject to be surcharged, & falsified by either party, the account of the debts of general creditors of said B. F. Womble contained in exhibits C filed with complainant's bill, & of the respective dignity of the respective debts.

§ 2. An account of the real estate of which the said Benj. F. Womble died, seized, & possessed with the fee simple & the annual value thereof, which accounts he shall take, settle & report to court with any matters specially stated, deemed pertinent by himself, or required by the parties to be so stated.

A copy Teste

W. A. Edwards D. C. for
H. P. Young Clerk.

Chas. H. Hays
Clerk

Wm. H. Adams

as 3 copies of
certified

Thomas William Hays

H. & A.

Essex & Wright Circuit Court October 21st 1876.

R.S. Thomas, C.B. Hayden & M.P. Young trustees for James Thomas & John E. Adams late partners under the style of Thomas & Adams suing for their own benefit & that of all creditors of B.F. Womble decd.
Plffs.

Against & in Chancery
G.B. Edwards Shff. & Adm. de bonis non of Benj. F. Womble decd.
Defts.

This cause in which the bill is taken for confessed as to the defendant G.B. Edwards adm. de bonis non of Benj. F. Womble decd. on whom process has been duly served, he still failing to appear, plead, answer or demur, came on this day to be heard on the complainant's bill, exhibits filed & was argued by counsel, on consideration whereof the court with adjud. order, & decree that a Comr. of this court take the following account.

- 1st All account of the transactions of the said G.B. Edwards as adm. de bonis non of Benj. F. Womble and of any assets of the said Benj. F. Womble which have come or ought to have come to the hands of the said administrator.
- 2d An account of the Plaintiffs demand against the said B.F. Womble, & of the demands of all other creditors of the said

Thomas Adams Trust

Honble's Admr

Administrators Report

Augt. 6th. 1894. Filed

Chas. J. Adams

Statement "A"

Balance in Commission to hand	148 07	
Interest from April 5 th 1876 to May 5 th 1877	9 62	157 69
Costs		
Attys fees & writ to Paul C B Hayden	26 00	
Attys fees to C B Hayden	8 07	
Commissioner Atkinson	7 00	
Shf. 50 th C B Hayden estimated	2 93	44 00
Amt. for distribution among creditors		113 69
Thomas & Adams Bond	49 31	
Assignee of B. Whitehead Bond	19 39	
do " G. H. Carroll do	11 60	
do " H. O. Bailey do	9 94	
do open account	8 96	
Jno E Adams Bond	2 61	
Levi Gwaltney Bal on Judgment	3 55	
D. B. Pasteur Bond	1 40	
Allen Edwards do	1 20	
E. H. Valentine do	1 70	
W. H. Jordan do	4 03	
	\$ 113 69	\$ 113 69

We the undersigned have respectively received from
L. B. Edwards Adm. of B. F. Hornblow as of May 5th 1877
the sums opposite our respective names

Thomas & Adams	C B Hayden Atf	49 31
Thomas & Adams	C B Hayden Atf	19 39
Thomas & Adams	C B Hayden Atf	11 60
Thomas & Adams	C B Hayden Atf	9 94
Thomas & Adams	C B Hayden Atf	8 96
Jno E Adams	C B Hayden Atf	2 61
Levi Gwaltney	C B Hayden Atf	3 55
D. B. Pasteur	C B Hayden Atf	1 40
Allen Edwards	L. B. Edwards Adm. Atf	1 20
E. H. Valentine	C B Hayden Atf	1 70
W. H. Jordan	C B Hayden Atf	4 03
		\$ 113 69

To the Circuit Court of Isle of Wright County,

The undersigned L. E. Edwards
Admr. of B. F. Hornbl's respectfully reports to the Court
that pursuant to the annexed decree of said Court of
April Term 1877 in the suit of Thomas & Adams
Trustees vs B. F. Hornbl's Admr. he out of the sum of
\$148.07 mentioned in said decree as in his hands as
such Admr. with interest on the same from April
5/1876 to May 5th 1877 amounting on the latter date to
\$157.69, paid the cost of said suit amounting to \$44.00
leaving a balance for distribution among Creditors
of \$113.69 as per statement A which statement also
shows pro rata share of said balance of each creditor
named in Commissioner Atkinson's report.

Said Admr. paid to said creditors the respective
amounts shown by said statement to be due them
as will appear from their receipts thereto hereunto
& annexed. The receipts of the other parties for
the aforesaid payments are herewith filed.

All of which is respectfully submitted.

May 5th 1877

Signed

L. E. Edwards

to the amounts shown thereby to be due
 them, taking the receipts of the parties for
 said payments and return the same
 to court with his report of his proceedings
 under this Decree.

Acopy.
 Juste.

Atto. fee & exp. \$16.00

clk. co. ct. 2.80

clk. cir. ct. 5.27

Shff.: 0.50

Count. Attains 7.00 paid by [unclear]

Costs \$31.57 to Apl. 1873

H. A. Edwards D.C. for
 N. J. Young clk

Thos. A. Adams

Trustees

Or. Jan. Chy. copy Dec.
 Jap. 1874.

Wm. B. Adams.

1
1
Salem District Circuit Court, April 20th 1877.

N.S. Thomas, C. B. Stoyan and A. P. Young
Trustees for James Thomas and John E. Adams,
late partners under the style of Thomas & Adams
suing on their own behalf and that of all
other creditors of Benj. F. Hornbee decd: Plffs.

Against J. W. Chancery
L. B. Edwards Shff. and Adm. de bonis non
of Benj. F. Hornbee decd: Defts.

This cause this day came on to be again tried
on the papers formerly read, and on the
report of Commissioner L. A. Atkinson under
the decree herein of October term 1876, and
was argued by counsel, on consideration
whereof, the Court confirming said report
to which no exceptions were filed, doth adjudge,
order and decree, That L. B. Edwards
administrator of B. F. Hornbee decd: out
of the sum of \$148.⁰⁰ with interest thereon
from the 5th day of April 1876, shown
by the report aforesaid of Commr. Atkinson
to be in his hands as such administrator,
first pay the cost of this suit inclusive
of \$25.⁰⁰ to C. B. Stoyan for his services in
this suit, and the balance thereof pay
ratably among the several creditors named
in Commr. Atkinson's report aforesaid, according

of this suit, ~~so of their dignity~~, in taking which account, the said Commissioner shall take as prima facie correct, subject to be surcharged & falsified by either party, the account of the debts of general creditors of said B. F. Wormble contained in exhibit C filed with complainant's bill & of the respective dignity of said debts.

3^{rdly}

An account of the real estate of which the said Benjamin F. Wormble died seized & possessed with the fee simple & annual value thereof, which accounts he shall take settle & report to court with any matters specially stated deemed pertinent by himself or required by the parties to be so stated.

Thomas v. Adams Trustees
B. F. Wormbles Estate

Rough Decree
Term 1876.

To be entered.

Geo. W. Adams.

Ch. 23

Thomas & James Trustees

vs.
Wornble

This cause, in which the bill is taken for confessed as to the defendant L. B. Edwards Administrator de bonis non of Benjamin F. Wornble deceased, on motion for issue has been duly served, he still failing to appear, plead, answer, or demur, came on this day to be heard on the complainant's bill, exhibits filed, & was argued by counsel, on consideration whereof, the court doth adjudge order & decree that a Commissioner of this court take the following accounts:

1st

An account of the transactions of the said L. B. Edwards as Administrator de bonis non of Benjamin F. Wornble & of any assets of the said Benjamin F. Wornble which have come or ought to have come to the hands of his said Administrator;

2^{ndly}

An account of the plaintiff's demand against the said B. F. Wornble, & of the demands of all other creditors of the said Benjamin F. Wornble, or his Estate who may chose to contribute to the costs

Thomas & Adam's Trustees
105

P. H. Wombley Admin.

Rough Decree

Term 1877

To be entered

Geo. B. St. R.

100

Entered 11.

Thomas V. Adam's Trustees
vs
Womble's Admin

This cause this day came on to be again heard on the papers formerly read and on the report of Commissioner G. R. Atkinson under the decree herein of October term, 1876, and was argued by Counsel, on Consideration whereof the Court confirming said report to which no exceptions were filed doth adjudge, order and decree, that L. B. Edwards Admin of B. A. Womble deceased out of the sum of \$148.07 with Interest thereon from the 5th day of April, 1876, shown by the report aforesaid of Commissioner Atkinson to be in his hands as such admin, first pay the Cost of this suit, inclusive of and Attorney's fee of \$25.00 to L. B. Hayden for his services in this suit, and the balance thereof pay ratably among the several Creditors named in Commissioner Atkinson's report aforesaid according to the amounts shown thereby to the ~~amounts~~ due them, taking the receipts of the parties for said payments and return the same to Court with his report of his proceedings under this decree.

Thomas Adams /
Mutes
11

Wendell Adams
Chalk

Rough Glasser
Oct Term 1877

Take entered -

W. Adams

Entered (1)

Thomas Adams
Trustee -

23

Womble Adams &

This cause this
day came on to be again heard on
the papers formerly read, & on the
report of L B Edwards Adminis-
trator of B F Womble, under the
decree herein of April Term
1877. It was argued by counsel; on
consideration whereof the Court
confirming said report, to which
no exceptions were filed, doth
adjudge order & decree that this
suit be removed from the
docket nothing further
remaining to be done herein -

returned to your court. secured by the acknowl-
 edgment of service of the parties & their Attor-
 neys. That the parties failed to attend according
 to said notices & the taking of said acts. was contin-
 ued from day to day until the date of this report,
 & then in presence of counsel made the foregoing
 acts. numbered 1. & 2. Act. No. 1. shows the sum
 of \$1410.27 due to H. H. Womble on bond of B. F. Wom-
 ble secured by the deed of trust in the proceedings
 mentioned up to the 18th day of Oct. 1857; of which
 sum \$492.34 is interest. Act. No. 2 shows the sum
 of \$224.86 paid the said H. H. Womble as security
 for B. F. Womble on debts secured by the deed of trust
 aforesaid up to same day of which sum \$64.69
 is interest. Act. No. 3. shows the sum of \$1274.58
 due to the other creditors of said B. F. Womble
 claimed by the deed aforesaid of the same day,
 including interest. Your court further reports that
 notice to all other creditors of said B. F. Womble, was
 served by him at the door of the C. H. of said county
 according to law, requiring them to appear before him at
 his office, on the 10th of Sept. 1857, to prove their claims or
 demands, but that no claim, other than those claimed
 by the trust deed aforesaid, & which are reported above, has
 been presented to your court. The acts. aforesaid were re-
 tained by your court. in his office, ten days before they
 were reported. Given under my hand as court. of said
 court the day & year first aforesaid.

W. F. Young
 Time employed by the court. in issuing notices taking
 evidence & taking personal acts. 14 hours \$10.50.
 chgd. to plaintiff
 Shff. for serving two notices 1.00
 Costs \$11.50

Thomas A. Adams. Trustee for
 v. B. F. Womble & admr. &c.
 1857. A. J. Adams & Son

\$11.50

Commissioner's Office Isle of Wight Co
September 5th 1857

To the Circuit Court of Isle of Wight Co.
Pursuant to a decree of the Circuit Court
of Isle of Wight County rendered on the 16th
day of May 1857, in a suit in Chancery depend-
ing in said Court between Thos. Hall Shiff-
Fadur. of Benjⁿ. F. Womble decd. Edwin
F. Womble & Wm. B. Womble plffs. and Henry
H. Womble in his own right & as exor. of
Edwin Womble decd. deft. The undersigned
one of the comrs. of said Court to whom
were referred for settlement by said decree
the following acts. 1st an account of
the amount due to H. H. Womble on the bond
of B. F. Womble recited in the deed of trust
in the proceedings mentioned. and. 2^d. An
act. of any debts paid the said H. H. Womble as
security for B. F. Womble secured by said deed.
3^d. An act. of the debts or demands of any other
creditors of the said B. F. Womble secured by said
deed. and 4th an act. of all other debts or dem-
ands against the estate of the said B. F. Wom-
ble or his estate, reports to the Court that on
the 22nd. day of July 1857 he issued notices against
the several parties aforesaid, requiring them to
attend a settlement of the said acts. before him at
his Office, on the 9th day of August last, which were

Interest thereon to 18 th Oct. 1857	5	19	15	95
Bond due Allan Edwards 25 th February 1849	9	08		
Int. as above	4	68	13	68
Bond due E. H. Valentine on 25 th Feb. 1850	13	21		
Int. as above	16	16	19	37
Bond due Wm. H. Jordan on 20 th Decr. 1848	29	97		
Int. as above	15	88	45	85
Bond due Messrs. Thomas Adams on 7 th May 1846	332	58		
Int. thereon as above	27	95	56	53
Bond due same appts. of J. B. Whitehead 31 st Decr. 1846	134	00		
Int. thereon as above	86	82	22	82
Bond due same appts. of G. W. Carroll on 1 st Jan'y. 1843	70	00		
Int. as above	62	12	132	12
Bond due same appts. of Wm. O. Bailey 1 st Jan'y. 1843	60	00		
Int. as above	53	13	113	13
Bond due John E. Adams 1 st Jan'y. 1846	20	00		
Int. as above	9	75	29	75
Balance on judgment in favor of Sir Gualtero 26 th Sept. 1845	23	46		
Int. as above	16	75	40	41
An account in favor of Thomas Adams for	66	81		
Int. from 1 st Jan'y. 1849	35	16	10	97
				\$1294.58

a copy. Fitch, N.P. Youngblood

An account of the amount due to Henry H. Womble on the bond of Benja. F. Womble recited in the deed of Trust in the proceedings mentioned.

A bond due to Henry H. Womble on the 30th day of May 1850 977 33
Interest thereon to 18 Oct. 1851 432 94

\$1410 27

An account of any debts paid by Henry H. Womble as security for Benja. F. Womble secured by the deed of trust referred to.

1852

May 1 Paid Archd. Atkinson on bond 37 80

Interest thereon to 18th Oct. 1851 12 38 50 18

1850
Sept. 2.

Paid C. F. Wren assignee of Reuben Butler on exon: 122 37

Interest thereon to same time 52 31 174 68

\$224 86

An account of the debts or demands of any other creditors of Benja. F. Womble secured by the deed of trust aforesaid.

A bond due J. B. Pastus on 1st October 1849

10 76

Thomas & Adams' trustees,
v. $\frac{1}{3}$ Chas.
B. F. Corbitt's adm. &c.

Benjamin H. Womble

to $\frac{1}{3}$ Decd.

Henry H. Womble.

May 30th, 1850, acknowledged
and all?

Expt. B. filed with
Bill.

in a reasonable time, say twelve months, after due notice, by advertisement at the door of the C. House of Sale of Wight. And the balance if any shall pay over to the said Benjamin H. Womble. It being however understood, that all costs & charges attending the execution of this trust are to be deducted & paid before any distribution of the funds is made. The said Henry Hiram Womble is selected as trustee for this object, and to sell the property or s^d. Interest, and distribute the fund, to cover costs & charges, and being much the largest creditor will be induced to increase the fund for the benefit of all the creditors. The said Henry Hiram Womble is hereby authorized to sell the said interest or property, on such terms, on reasonable notice thereof as will in his opinion be most for the interests of the creditors &c.

In testimony whereof the parties to these presents have hereunto set their hands & seals the day & year first above written.

signed, sealed & delivered in
the presence of us - Teste:

Benja. H. Womble *Qual*
Henry H. Womble *Qual*

In the Clerk's office of Isle of Wight County Court
May 30th 1850, this deed was acknowledged
by the parties hereto, & admitted to record -
Teste.

N. P. Young C.C.

kind, character or nature, real, personal or mixed, come to or vest in him the said Benjamin H. Womble, by the will and testament of his said father, or by the law of descents and distributions, or in any other modes or form derivable through or from his said father, as legatee, devisee, distributee or otherwise: To have & to hold the same, to wit: all of the said property, and all of his said interest and title in any form derivable as aforesaid by him the said Benjamin H. Womble, in & to & from his said Father's estate, by will, descent, or distribution or otherwise as aforesaid; to him the said Henry H. Womble, and his heirs forever; with all the privileges and appurtenances to the same in any way pertaining &c. But for the following purposes & objects: That the said Henry H. Womble shall as soon as convenient & he reasonably can, sell and dispose of the said "interest" or property coming to the said Benjamin as aforesaid, and with the proceeds first pay the said debt of \$977.33 cts. and interest thereon due, and all the other debts for which he the said Hiram is bound as surety or otherwise for the said Benjamin H. Womble, if any. — In the next and second place pay all other debts owing by him the said Benjamin H. Womble to all his other creditors in equal portions, or pro pte. if not sufficient to pay all — and which may be presented

An Indenture made this the 30th May, 1830,
between Benjamin H. Womble, of the first part,
and Henry Hiram Womble of the second part: all
of Isle of Wight County Va., witnesseth: that
whereas, the said Benjamin H. Womble is
quietly indebted to the said H. Hiram in
the sum of nine hundred and seventy-seven
dollars and thirty three cents, as by Bond bearing
date the 1st. Jan'y. 1830, will more fully
appear, which he the said Benjamin H. Wom-
ble is desirous of securing the payment of,
with the accruing interest, without harm or
damage to the said Hiram, and all other
debts for which he the said H. Hiram Womble
is bound for him - and with as little costs as
possible &c: Therefore this indenture witnesseth, that
for and in consideration of the premises and the
further consideration of one dollar in hand paid
by the said Benjamin H. Womble to him the
said H. H. Womble, before the execution of this
indenture: the receipt whereof is hereby acknowl-
edged &c: He the said Benjamin Womble, by
these presents does hereby grant, bargain, sell, convey,
transfer, set over, release assign unto the said
H. H. Womble and his heirs forever, all of his the
said Benjamin Womble's interest, of all sorts
or kinds, in & to the estate of his late father
Edwin Womble decd: whether the same, of what

Womble fals.
v. 30ms. rept.
under decree
of May 1859
Womble's exor. fals.

April 4th 1861 filed

Thomas & Adams Trustee

v. $\frac{2}{3}$ Ches.

B. S. Womble admr. h.

Extr. C. filed with Bill

which said pro rata amounts respectively, carry interest from the 18th of May 1857.

In making the said statement, your commissioner after deducting the amounts decreed first to H. H. Wm. He then deducted \$10.12 the costs of the suits yet unpaid, as will be seen by the statement above.

Given under my hand as a commissioner of the said court, the day and year first aforesaid.

H. P. Young.

Courts - fee \$4.50. chgd. to creditors.

To William H. Jordan	45	85	5	98
" Thomas A. Adams	56	53	73	01
" Dr. as spec. of J. B. Whitehead	82	28	72	
" " " " " Geo. H. Carroll	132	17	17	20
" " " " " Wm. O. Bailey	113	13	14	72
" " " " " " " "	101	97	13	27
" John E. Adams	29	25	3	82
" Levi Gwaltney	40	41	5	30
	1294	13	168	45
				11545

Commissioner's Office Isle of Wight Co.
March 23rd. 1861

To the Circuit Court of Isle of Wight County
Your Commissioner reports to the
court that in pursuance of a decree
of the court rendered on the 18th day of
May 1859 in the suit of Edwin P.
Womble William R. Womble & others
against Henry H. Womble exec. of
Edwin P. Womble decd. and in his
own right, and after due notice to
the parties interested, he proceeded
to make and finished the foregoing
statement showing the pro rata
amounts due the creditors of Benjⁿ.
F. Womble decd. out of the funds
in the hands of Henry H. Womble
under the decree of October term 1859

An account shewing the respective amounts due the several creditors of Benj^d. F. Womble decd. out of the balance of the funds named in the decree of Octo. term 1857.

Amount due estate of B. F. Womble as per said decree				1800	22
Interest on \$1356.73 part thereof from 16 th May to 18 th Octo. 1857				33	91
				\$	1834 13
By first amt. due H. H. Womble under said decree	1410	27			
Int. on \$977.33 part thereof, from 18 th May 1857	16	43			
By second amt. due H. H. Womble under decree	224	86			
Int. on \$160.17 part thereof as above	4	00	1655	56	
				178	57
Deduct costs unpaid to find decree				10	12
Nett amt. to be distributed among creditors				\$	168 45
As follows to wit	amt. of claims	Pr. rata amt.			
To J. B. Pastens	15	95	2	09	168 45
" L. B. Edwards adms. of					
Allen Edwards	13	68	1	79	
" E. H. Valentine	19	37	2	55	

Womble Hals. } In
W. } chry:
Womble's Expec. }
Hals. }

Rough Review
May Term 1861.
To be entered -
R. H. Baker.

Thomas & Adams' Books

v. 3 Chy.

B. F. Womble's edw. &c

Ebb. A. filed with Bill

Womble & Co.

vs.

Womble's Exec.

& al. — This cause this day came on to be again heard on the papers formerly read & on the report of Commissioner W. P. Young under the decree herein of May Term, 1857. It was argued by counsel, on consideration whereof the Court confirming said report, to which no exceptions were filed doth adjudge order & decree that the defendant H. H. Womble pay to the several creditors mentioned in said report the respective sums shown by said report to be their pro rata portions of the assets in the hands of said H. H. Womble, & the Court doth further adjudge order and decree that said H. H. Womble pay the unpaid costs of this suit.