1794-046 Chancery Causes. Nancy Herring, Widow of Mills Herring vs Martha Herring, by & c

Isle of Wight County

other surnames: Bridger

To the Justices of Isle of Wight County in Chancery sitting.

Your Oratrix, Nancy Herring, relict of Mills Herring late of the County of Isle of Wight deed, humbly complaining shews unto your Worships, — That her said husband, Mills Herring, departed this life on or about the day of in the year of our Lord 17[illegible] seis'd of a very considerable real estate, to wit, a tract or parcel of land, call'd lying and being in the County of Isle of Wight — — — and containing ~~[illegible]~~ by estimation six hundred acres, or there about —

— That her said husband left a last will and testament which has been duly prov'd in the Court of law of Isle of Wight County and admitted to record: — That your Oratrix has in due conformity to the laws of this Commonwealth renounc'd all benefit and advantage that she might claim under the said will: — That by virtue of the said renunciation, and the laws of this Commonwealth, your Oratrix became intitl'd, as she is advis'd, to one third part of the aforesaid lands, and of all the lands, whereof her said husband was seis'd, either in deed or in law, at any time after her intermarriage with him, to have and to hold the said one third part thereof by meter and bounds for and during her life as her lawful dower: — That the said Mills left but one child, living at his death, call'd Martha, — who, as heiress at law, and devisee under the said Will, of the said Mills, is, as your Oratrix is advis'd, solely intitl'd to the said lands and real estate of her said father, subject however to the lawful dower of your Oratrix therein: — And that your Oratrix's case being as she has above stated, she has often, and in a friendly way, applied to the said Martha, as heiress at law and devisee of the said Mills, in order to obtain her lawful dower in the lands and real estate of said husband: — nevertheless the said Martha has hitherto refus'd and still does refuse to comply with the reasonable and lawful requisition of your Oratrix respecting the premises, ~~[illegible]~~ to the great injury of your Oratrix. — In tender consideration whereof and for that your Oratrix is properly relievable in this Court: — to the end therefore that the said Martha may full true and perfect answer make to all and singular the ~~[illegible]~~ matters and allegations above set forth, as fully as if the same were herein again repeated and interrogated, — but more especially that she may set

forth and discover, — whether the sd. Mills made a last will and testament? — Whether your Oratrix has renounced the same as aforesaid? — Whether the said Mills died seis'd of the land aforemention'd? — Whether your Oratrix as the lawful wife of the sd. Mills is ~~not~~ intitl'd to one third part of the sd. land as her lawful dower in manner aforesaid? — Whether the said Martha is the only child now living of the sd. Mills, and heiress at law, and sole devisee of the lands of the said Mills? — Whether your Oratrix has often applied to her in order to obtain her lawful dower in the land aforemention'd? — Whether she has complied with your Oratrix's said request? — and what are her reasons for not complying therewith? — And that your Worships will nominate and authorize such and so many fit and discreet persons as to your Worships shall seem proper to set apart and allot unto your Oratrix one third part of the aforesaid lands, and of all other lands and tenements, whereof her said husband, Mills Herring, was seis'd at the time of his death, or at any time after his intermarriage with your Oratrix, and which has or have descended or come to the said Martha, as heiress at law of the said Mills, or as a devisee under his sd. will, to have and to hold the same by metes and bounds as and for her lawful dower during her life; — and that your Oratrix may have such other and further relief respecting the premises, as her case now stated to your Worships may in the opinion of this Court require — May it please your Worships to grant unto your Oratrix the Commonwealth's process of subpoena to be directed to the said Martha commanding her at a certain day and under a certain penalty to appear before this Court then and there to answer the premises, and to stand to and abide by such order and decree therein as to this Court shall seem proper.

Merit M. Robinson
for the Complt

Herring
v.
Herring
&
Bell

The answer of Martha Herring, an infant under the age of 21 years, by William Bridger — her Guardian, Defendant to the bill of complaint of Nancy Herring Complainant. This Defendant, by her said Guardian, — saving and reserving unto herself all advantage of exception to the errors and imperfections of the said Complainant's bill, — answers and says, — that she has heard and believes, ~~that~~ That her said father, Mills Herring, died seis'd of the Lands mention'd in the said Complainant's bill, — That she is heiress at law to the said Mills, — That the said lands are devis'd to her by the last will and testament of her said father, — That the Complainant has renounc'd all benefit that she might claim under the said will as is set forth in her said bill, — That the Complainant was lawful wife of the said Mills, — that the Complainant is intitl'd to lawful dower in the said Lands; — And this Defendant, further answering by her said Guardian, says, that being an infant she submits herself to the judgment of this Court, and humbly hopes her just and lawful rights in the said lands may be protected and sav'd unto her: — and humbly prays to be hence dismiss'd with her reasonable costs and charges in this case sustain'd.

Isle of Wight.

Sworn to day of 1791
by the s^d as
Guardian of the s^d Defendant — per suant
to an order of this Court of Chancery of the
s^d County — before me.

Herring
v.
Herring } Bill & Answr.

Novemr. 1791
Intl. Dence —

August 1793
Contd. for Defect

March 1794
Contd. for Defc.

August 1794
Contd. & Sent v. Referees

Novemr. 1794
Rept. Tld. & Dem. accordingly

Herring
v.
Herring } Answr.

Ct. Tdc.
65

26 Cts.
2 — 5
2 — 31

Herring
vs.
Summons
Witnesses &c.

Comm'ts fees Dep'ty
Feb. 18. 1844

Eq. Otis
James A. Beal Dep'y

Fee not returning a report in the suit of Nancy Herring against Martha Herring by her
Bridger her Guardian

By order of Court
Fran'. Young Clk

The Commonwealth of Virginia to the Sheriff of Isle of Wight County greeting we command you to summon Drury Andrews Benj.ᵃ Tynes Jn.ᵒ Tucker & Wm. Woodward to appear before our Justices of our Court of our said County at the Court house on the first monday in November next. to answer us as well of a certain contempt by them lately offered as also said as upon those things which to them then & there shall be objected. And have then there this Writ Witness Francis Young Clerk of our said Court at the Court house the 17th day of August 1789 in the 13th year of the Commonwealth

Francis Young
Cl

persons to allot and set apart the Dower of Nancy Herring in the Lands ~~and slaves~~ of Miles Herring her late husband — Drewry Andrews, Benj.n Eggnes, Jn.o Team and Wm. Woodward.

Wm. Herring
v.
Martha Herring
Memo.
respect.g Dower

Isle of Wight County — November Court 1791

Nancy Herring widow & Relict of Mills Herring dec.d Plt.
against
Martha Herring an Infant Orphan of the s.d Mills Herring Deft. } In Chancery

William Bridger is by the Court appointed guardian to the said Orphan to defend this Suit and thereupon came the partys by their Counsel who filed the bill & Answer and by consent of the partys this Cause was this day heard on the said bill & Answer, whereupon It is decreed and Ordered that Drury Andrews, Benjamin Tyree, John Tucker & William Woodward or any three of them alot and set apart the Dower of the Complainant in the lands whereof Mills Herring her late husband died seized & possessed in the bill mentioned, and make report thereof to the Court in Order to a final decree.

A Copy Teste Jno. Young Clk. Cur.

In Obedience to an Appointment and Decree of the Court of this County (Isle of Wight) The Subscribers hath with due attention to Justice and Equity Laid off, and set a part the Dower of Mrs. Ann Herring to, and in the Lands Orchards, Houses &c of her departed Husband Mills Herring decd. as followeth, to wit, Beginning the Line of the Orphans of Peter Pierce decd. where It intersects or Crosses the Road that was formerly a Publick Road and opened by the Late Daniel Herring, thence keeping the s.d Road to a Branch that runs into the Mill Pond, thence running down the s.d Branch a small distance to a Marked white Oak standing on the Southside thereof, thence running a straight line between two Rows of apple trees Quite through the old Orchard to a white oak Pole set up on the South side of s.d Orchard — thence running an East Course as the Fence now goes to the Path that Leads to Mrs Woodwards, or one Cooks keeping the said path to a Branch just this side the s.d Mrs Woodwards, thence a Long a Line of Marked trees of said Woodwards, Bennit Pierces, and the s.d Orphans of Peter Pierce decd. to the Beginning place and first Station — And of the dwelling House we have allotted to and set a part the Chamber and within Cellar Room (the Widow not to be debarred access thereto through the Outward Cellar Room on making application to the possessor of the Out Room) the Kitchen (Except upstairs) to be Equally to the Use of both Widow and Orphan, Upstairs is allotted to the Widow wholly — the East Room of the Diary is allotted to the Widow, — the Shed of the Barn and one small Negro Quarter is to the Use of the Widow as also one third of the Mill House, Apple Mill, Cyder Presses and one third of the Grist Mill (she being in Case she Uses them at one third the Expence in keeping them in Repair — the Smoke House is to Equally both widow & Orphan One third of the Garden adjoining the Smoke House is allotted to the Widow And of the Dung hill (to wit, Beginning on the East Side of the Smoke House then running with the East Side of the Garden to a Rowe of Cherry trees keeping the s.d Rowe of Cherry trees on the side until it gets opposite to an Elder Bush, thence striking an East Course to below and on the East Side of the Oven to the first apple tree, thence running the s.d rowe of apple trees till it comes opposite to the southside of the Corn Crib; thence striking across and taking the s.d southside of the Crib to its farthen Corner and from thence along the East side of the Kitchen taking in the Well to the smoke House the first Station — The yard as it now stands to be Equally to the Widow and orphan Witness our Hands this 1st day of January 1792.

Benj.n Tyree
Jno. Young
Wm Woodward
Drury Andrews

Herring
v.
Herring & Ux.

Copy Int. Decree.

Herring
v.
Herring & Ux.

Copy
(Lis. Pt.)