

1834-047

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WRENN and Wife et al VS. MYRICK'S EXECUTORS
et al 12/1834

other SURNAMES: Barham, Tucker,
WRENN

Barham Wrenn & Wife
 & others devisees
 of
 Wm Myrick decd
 against Bill
 Myrick Executor & others

1834 Dec. Dec. as filed &c

To the worshipful Court of Lo and Lenox County
sitting in Chancery humbly complying sheweth
to your worshipful Court orator Barham Union & Eliza
T. his wife late Myrick Cuthbert & Barham and
Martha R his wife late Myrick Joshee & Myrick
William Myrick Henry S. L. Tucker & Mary his
wife late Myrick which said Eliza T. Martha
R Joshee & William & Mary are children
born Myrick the children & divisees of William
Myrick deceased

Have your complainants beg leave
respectfully to represent to your worshipful Court that
Myrick died some time in the year 1815 having
first made & published his last will & testament
a copy whereof is hereto annexed & may be to be
received as a part of this bill that James Myrick
the Executor therein named qualified alone
as such & who is hereto named Maysee and defendant
that by reference to the will it will be observed
that the testator after making provision for the
sale of a tract of land & the State of Georgia
& if necessary negroes Davy & Claiborne for the
payment of his just debts directs that his wife
Temperance remain in possession of all the
balance of his estate of whatever kind or denomination
during her life or widowhood but if she should marry
or die before either of his children come of age or marry
then his wife's share is that his estate be equally
divided between all his children & if his wife
Temperance should live single until either of
his children should marry or come of age then
that there be commissioners appointed to value his
estate and allot to him or her their equal share
& so on to each child as they shall arrive of lawful
age or marry until the last he avers that his wife
shall board & educate his children so long as she
keeps the estate free & without pay for board & clothing
showing

Your complainants beg leave to state to your worship that the widow Temperance took the estate subject to the will & has retained it exclusively with the execution of the provisions (one sixth) of the complainants Mary Tucker her husband Henry S. Tucker at the year estate Eliza J. & Martha R. are of age & some time since married & ^{your} orators William & Joshua F. are both of age by which they were as well as their sister Mary Tucker entitled ^{are entitled} each to their proportion of one sixth & the remaining sixth is directed to remain until the infant Belia Ann Myrick marry or come of age now your complainants are anxious that a partition by commissioners or allotment be made pursuant to the testator's directions they therefore pray that the said defendants James Myrick the executor & the widow Temperance together with some suitable person to be appointed by your worship's guardians ad litem to the infant devisee Belia Ann Myrick that they be respectfully required to answer the allegations in this bill that your worship grant the commission the writ of Subpoena directed & be commencing & do further more decree that commissioners be by your worship appointed & directed to value & allot to your complainants their respective proportions according to the directions of the testator that your worship the premises course of approval their general relief since as in duty they will ever pray. *His*

Ans. C. Claiborne pro. Def.

The answer of James Myrick Exor of Wm Myrick and I answerer by the Court of Southampton guardians ad litem to the infant Belia Ann Myrick devisee of Wm Myrick due to the bill filed in Southampton County & against them & Temperance Myrick widow of Wm Myrick due by Barham Wren & Eliza J. his wife late Myrick but late D. Barham & Martha R. his wife late Myrick William Myrick & Joshua Myrick & Henry S. L. Tucker & Mary his wife who together with Belia Ann Myrick are the devisees of Wm Myrick deceased

This respondent saving all just benefit of exception to the bill of the complainants says he believes the facts stated are true that he has no objection to a decree consonant in the opinion of this Court with the rights of the parties so as to protect the interest of the infant Belia Ann Myrick that having now answered as far as he is advised it is material he should say he prays her costs to be dismissed & as in duty he will ever do.

Attest C. Claiborne pro. Def.

The separate answer of Temperance Myrick widow & relict of William Myrick due to the bill filed in Southampton County Court against her & James Myrick Exor of Wm Myrick & Belia Ann Myrick her infant daughter by Barham Wren but late D. Barham Henry S. L. Tucker in right of their wives Eliza J. Martha R. & Mary late Myrick & Wm Myrick & Joshua F. Myrick

This respondent saving all benefit of exception to the complainants bill for answer or so far as she is advised it is material he should say she admits the will as exhibited & stated of her decedent & husband says she cannot gainsay the allegations of the complainants but must submit to such decree as in the opinion of this Court is consonant with the rights of the parties under the will & consistent with the rules of this Court and having answered prays to be dismissed with her costs and as in duty she will ever do.

Attest C. Claiborne pro. Def.

Barham Wren & Eliza J. his wife late Myrick in right of the said Eliza J. but late D. Barham and Martha R. his wife late Myrick in right of the said Martha R. Henry S. L. Tucker & Mary his wife late Myrick in right of the said Mary William Myrick & Joshua F. Myrick devisees of William Myrick deceased

Complainants In Chancery against

James Myrick Exor of Wm Myrick & the said James Myrick appointed by the Court of Southampton County guardians ad litem to Belia Ann Myrick infant devisee of Wm Myrick & Temperance Myrick widow of the said Wm Myrick

This day this cause, ^{on} ~~earnest~~ consent of the parties with the
agent of the Court to be heard on the bill answers exhibits and
arguments of counsel on mature consideration whereof
the Court doth as judge order & decree that Solomon
D. Parker Geo. B. Cary & William S. Rochelle do ~~sell~~ ^{divide} the
estate of Mrs. Myrick ^{deceased} ~~residing~~ (H. G. L. Tucker & wife
Mary having by a previous order recd. ~~their~~ ^{one} ~~part~~ ^{share} of the same
into five equal parts in value that they ^{pay} ~~shall~~ to
the Complainant Barbara Loring & wife one fifth
in right of A. J. his wife to Cuthbert D. Barham & Martha
R. in her right one fifth to Mrs. Myrick one fifth
to Joshua F. Myrick one fifth & the remaining fifth
to the infant Belia Ann to remain with the defendant
Temperance her mother until either Mary or the
said infant attain lawful age & that they make
their report to this Court in order to a final decree

In the name of God. amen I William Myrick of the State of Virginia and County of Southampton being of sound mind and perfect memory senses do make this my last. Will. and testament
Item 1. My will. and. desire. is. that the tract or parcel. of land. belong-
ing to me. and. lying. in the State. of. Georgia and. County
of. Green. be sold as. soon as. possible after. my death and
the. proceeds thereof be applied to the payment of my
just. debts but if the. Land does. not sell. for. enough
to. pay. my debts my will is. that the negroes be sold to
wit. Davy. and. Claborn for their discharge

Item 2 My will and. desire is that. my wife Temperance remain
in. possession of all the. Estate of my estate of. Whatever kind or
denomination during her. life or. widowhood but if she
should. marry or. die before either. of my. Children Comes of
lawful. age. or. marry then my will. and. desire is that
my. Estate. be equally divided between. all. my. Children

Item 3 Will. and. desire is. that if my. Wife. Temperance here. being so
united either of my. Children marries or. Comes of. lawful age
then. then be. Commissioners appointed. to value my. estate
and. allot. to. him or. her. their. Equal. Share and so on to
Each. Child as they shall arrive. of. lawful. age. or. marries until
the. last. child

Item 4 My Will. And. desire is that. my. Wife. Temperance shall not
be. entitled to. pay for. board. clothing And. Educating my
Children which she. shall be. Compelled to do so long as she
Keeps. the. Estate. or. they Come of age. or. marry.

Item 5. My will. and. desire. is. that if my. Wife. Temperance should marry
then. she. shall. only be. entitled to one. third part. of my estate
and. that. only for. life

Item 6. I do hereby nominate and. appoint my. Brother. James Myrick
my Only Executor to. this my. last. will & Testament. Given under.
my hand and seal. this the twenty third day of

January one thousand eight hundred and a. fourteen

Signed sealed and delivered

in presence of

Alexander Myrick

Samuel. Parkman

William. Merriam

Sammons. Merriam

William Myrick.

Seal

At a Court held for the County of Southampton the 15th day of May 1875
The will was presented into Court proved by the oaths of Alexander Myrick
Samuel. Parkman and Sammons. Merriam three of the witnesses
thereof and ordered to be recorded and on the motion of James Myrick
the Exor therein named took oath according to law certificate was
granted him for obtaining a probat thereof in due form whereupon
the said James Myrick together with Walter Myrick Alex
ander Myrick and James Scammon etc his securities
entered into and took their bond in the penalty of five
hundred dollars conditioned as the said decessor

James Rochelle &

A copy
J. Rochelle

James Rochelle

William Myrick
Wm

Wm Myrick