

1871 - 045

Chancery Papers: Urquhart, Byrce vs Urquhart's executor & al

2/1871

Southampton County

My dear friend
as } Bill
My dear

To the Honorable Judge of the County Court of
Southampton County. In Chancery.

Humbly complaining sheweth unto your
Honor your Oratrix Martha L. Urquhart wife
of J. H. Urquhart, by M. M. Urquhart her
next friend, that some months ago, Mrs
Eliza B. Urquhart departed this life, after
making and publishing her last will and
testament in writing, which has been ad-
mitted to probate by the County Court of
this County, an authenticated copy of which
will, if necessary, be filed with this bill
that the Testatrix by her will bequeathed to
your Oratrix one twelfth ($\frac{1}{12}$) of her Estate
to be under the Control and management of
H. Urquhart, as Trustee for your Oratrix;
That the Trustee named in the will desires,
as she is informed, not to be burdened with
the execution of the Trust, and your Oratrix
wishes on that account, to substitute some
other person to act in his stead, and sug-
gests J. H. Urquhart as a fit and proper
person; that the Executor of Eliza B. Ur-
quhart has under his control about
Two Thousand Dollars (\$2000.00) belonging
to the Trust fund; In tender Consideration
of all which, and as your Oratrix
can have full relief only in a Court
of Equity, to this end therefore she prays
the Court to make J. H. Urquhart as
Executor of Eliza B. Urquhart, and H. Urquhart
Trustee under the will of the said Eliza B. Urquhart,

for your Oatrix parties Defendant to this Bill; that the Court will appoint J. H. Urquhart Trustee in the place of W. Urquhart, and grant her general relief in the premises.

As in duty bound she will ever pray
May it please the Court &c

Answer of J. W. Urquhart Exor of Eliza B Urquhart to the foregoing bill —

This Defendant saving &c for answer to the said bill, saith he admits he is executor of Eliza B Urquhart, and has under his control as such about Two Thousand dollars — (\$2000.00) which belongs to the trust fund, alluded to in the Bill, and having answered prays that he be hence dismissed &c

Answer of W. Urquhart Trustee of M. L. Urquhart to the foregoing bill,

This Defendant saving &c for answer to said bill, saith that he is willing and desirous to be relieved from the burden of the Execution of the Trust imposed by the said Eliza B Urquhart in her last will and Testament, and unites with the Plaintiff in her suggestion of J. H. Urquhart as in every way the proper person, and having answered prays &c he hence disunites.

Wright by 10 ⁶³⁴

U } Decree
Wright

Felix Leach
1871

Take entered
J. W. Wright Ind 5

1871 Feb. Decree 10

Martha L. Wigham by her next friend, Plff
against
Jas W. Wigham Esqr and others
In Chancery
Defts

This day this Cause was docketed by con-
sent of Parties, and came on to be heard
on the Bill, answers of the Defendants, Re-
plication thereto and Exhibits filed, and
was argued by Counsel On consideration
whereof the Court doth adjudge, order
and decree, That J. S. Wigham be sub-
stituted as Trustee under the will of Eliza-
beth Wigham for Martha L. Wigham, in
the place of W. Wigham, and that he re-
ceive and hold the Trust & property,
money and effects subject to the provi-
sions of the will of Elizabeth Wigham, in
respect thereto, and that W. Wigham
be discharged therefrom,