

1879-19

Southampton County - Chancery

Uggenhart, E. A. vs. Uggenhart, J. W.
et al. Dec.

To sell land for benefit
of Complainant

E. A. Uggenhart, Wife
of A. B. Uggenhart,
sue by W. W. Uggenhart,
her next friend

J. W. Uggenhart &
A. B. Uggenhart -
Defendants

S. A. Morganhart

vs { Bill to

A. B. Morganhart Insurer

To Hon. Geo. Blom Judge of The Circuit
Court of Southampton County, in Chancery
Humbly complaining sheweth unto
your honour, your oratrix, E. A. Wignhart
(wife of A. B. Wignhart) by ~~W. H. Wignhart~~ her
next friend, That in the year 1869, Mrs Eliza B.
Wignhart, departed this life having made & execu-
ted her last will & testament, which was admit-
ted to record, in the County Court of Southampton Co.,
at the March Term 1869, a copy of which is
herewith filed, marked "A", & prayed to be
made part of this bill - That, by said will, a
portion of said testatrix's estate is given to your
oratrix's separate use & benefit, to be held in
trust by J. W. Wignhart - That subsequently,
said J. W. Wignhart having declined to act as
such trustee, at the January Term of said Coun-
ty Court, (as will appear by copy of the record, here-
with filed, marked "B" & prayed to be made part of this
bill) her husband, the said A. B. Wignhart
was appointed trustee, to hold the estate so given
& bequeathed to his said wife, for her separate use
& benefit, & in that capacity, has received certain
sums of money, to wit, the sum of \$1270 ⁵⁷/₁₀₀
That subsequently, at the December Term ¹⁸⁷¹ of the
County Court, a decree ^{a copy of which is herewith filed} was entered directing said
A. B. Wignhart trustee, as aforesaid, to invest ^{a portion of} the
said sum of \$1270 ⁵⁷/₁₀₀ in his hands, in the purchase
of a certain tract of land, lying in the Counties of
Southampton & Sussex, belonging to J. S. Morgan,
containing 36 1/2 acres of land more or less, & bound-
ed by the lands of Mary A. Atkins, W. D. Spains

Estate & Others, as will more fully appear by copy of
bill herewith filed, marked "C", & prayed to be made
part of this bill. That, by said bill from Morgan & wife,
said land has been wrongously conveyed in trust to said
A. B. Morganhart Trustee, in the event of the death of
his said wife, for the benefit of his children, by
said wife, or any other wife he may hereafter take
Your oratrix is advised that this has proved an un-
profitable investment of her money, & that her said
Trustee has an opportunity now of making a good sale
of the said tract, & in as much as she has a good
& comfortable home, left her by her late Father Thos
Ridley, in his last will & testament, she prays
that your honor will make a decree direct-
ing said A. B. Morganhart Trustee to sell the
said tract of land & invest the money, arising
from said sale, in such manner as your honor
may deem best. In consideration of all which in
as much as your complainant is without remedy ex-
cept in a Court of Equity, where matters of this kind
are properly to be heard. To the end therefore that jus-
tice may be done, your complainant prays that
said J. H. Morganhart, & A. B. Morganhart Trustee
be made parties defendant to this bill & compelled
to answer its allegations. That an order may be enter-
ed directing said A. B. Morganhart Trustee to sell
said tract of land, upon such terms as he may
deem best & most to the benefit of your
complainant, & invest the funds thus arising
in such manner as may be deemed most bene-
ficial by your Honor. & in accordance with the will
of said Thos B. Morganhart. That your Honor
will grant such other & further relief as to

Equity may seem ~~fit~~ meet or the nature of the
case may require, & as in duty bound, your
complainant will ever pray &c —

J. W. Myerhart J. J.

The answer of J. W. Mygus to a bill filed,
in the Circuit Court of Southampton County,
in the case of Mygus vs Mygus's Trustee

This respondent, for answer he says that
he admits that he was left, by the last will & tes-
tament of Mrs Eliza B. Mygus, as trustee, to
hold certain property therein devised, for E. A. My-
gus, the complainant in this case, but that he
refused to act as such, & that by decree of the Com-
-ty Court of said County, at its January Term 1871,
A. B. Mygus was substituted in his stead.
And having thus answered, he prays to be dis-
missed

J. W. Mygus

Answer of

A. B. Mayhew

The answer of A. B. Wignhart to a bill of complaint filed in The Circuit Court of Southampton County, in the case of Wignhart's ~~Trust~~ vs Wignhart's Trustee -

This respondent, for answer he says that he admits that, by decree of Southampton County Court, at its January Term 1871, he was appointed trustee to hold the property left to his wife by the will of Mrs Eliza B. Wignhart, - That, at the December ^{term} of said Court 1871 he was directed to invest a portion of the money in his hands, as said trustee, in the purchase of a certain tract of land, known as "Retreat", - That he did invest said money as directed, but that the deed of conveyance, from J. S. Morgan & Wife, to A. B. Wignhart Trustee conveying said property, erroneously conveys it in trust for the benefit of the children of said A. B. Wignhart, by his said wife E. A. Wignhart, or by any other wife he may hereafter take Your respondent would further state, that, since his wife has a good & comfortable home bequeathed her by her late Father Thos Ridley, the purchase as above mentioned has become very unprofitable to her, as he is compelled to rent it from year to year for a very small amount and he is fully satisfied that he now has an opportunity to make a good & advantageous sale of the premises -

A. B. Wignhart

Whereas by the last will & testament of Mrs E. B. Urphart, certain property was devised to the wife & children of her son A. B. Urphart, and Jos W. Urphart was left as the trustee for holding said property, and whereas, the said Jos W. Urphart has refused to accept the said trust, and A. B. Urphart has been substituted in his stead by an order of the County Court of Southampton, and whereas certain monies have been realized from the sale of real estate belonging to the said E. B. Urphart, and which said monies or a part thereof belong to the wife & children of the said A. B. Urphart, and whereas by an order of the County Court of Southampton entered at the December Term 1871, in the Chancery Suit, Urphart vs Urphart Trustee, it was decreed that A. B. Urphart, Trustee or invest so much of the funds in his hands as said Trustee, as may be necessary to pay for the tract of land in the proceedings mentioned, and whereas further the said tract of land was one purchased by the said A. B. Urphart, as an investment of the monies before alluded to, Now therefore this deed made this 13th day of May 1872 between Thos. S. Morgan and Lucille Richard Morgan his wife of the first part, & A. B. Urphart, Trustee of the second part

witnesseth that in consideration of the afore-
mentioned premises, and the sum of Twelve
hundred dollars, the receipt whereof
is hereby acknowledged, the said parties of the
first part do give & convey to the said
A.B. Inghart, Trustee as aforesaid, a tract
of land situate in Southampton County,
commonly known as "Peteat," and containing
362 1/2 acres, be the same more or less - bounded
by the lands of Mary A. Adams, Wm D Spainsboro
and others

to have & to hold the said tract of land unto
the said trustee, his heirs and assigns, upon
trust, that the said trustee shall permit
Eliza A, his wife, and their children, to
occupy, possess & enjoy the said tract of land
free from all manner of charge and
incumbrance of the said A.B. Inghart,
her said husband, or any husband she
may hereafter take - And upon this further
trust, that when the said Eliza A. Inghart
shall die, then that the said tract of land
shall be held for the use & benefit of
the children of the said A.B. Inghart, and
his present wife, or any wife he may here-
after take - And upon this further trust, that
the said A.B. Inghart shall be permitted to
remain upon and occupy the said tract

of land, so long as he shall live. And upon this further trust, that the profits or Crops grown upon said tract of land shall in no wise be subject to the debts of the said A. B. Murphy, except for those contracted for the maintenance & support of his family. And the said Morgan for himself, and for and on behalf of his wife, covenants with the said Trustee that he will warrant and defend the title to the above conveyed property against the claims of himself and all other persons whatever. Witness the following signatures & seals.

T. S. Morgan Seal
L. B. Morgan Seal
 Seal

Southampton County. In the Clerk's Office January 9th 1875.
This Deed of Sale from Thomas S. Morgan & wife to A. B. Murphy, ^{Trustee} was this day received and together with the certificate thereto annexed, admitted to record.

Jesse, J. W. Edwards Clk.

Virginia: Sussex County, to wit:

I, J. D. Thornton, a Commissioner in
Chancery for the County Court of Sussex
in the State aforesaid do certify that Thomas
S. Morgan whose name is signed to the foregoing
writing, bearing date 13th day of May 1872,
personally appeared before me in the County aforesaid
and acknowledged the same to be his act and deed
And I further certify that Lucilla R. Morgan
the wife of said T. S. Morgan, whose name
is also signed to the foregoing writing bearing
date as aforesaid, personally appeared before
me in my County aforesaid, and being examined
by me privately and apart from her husband, and
having the writing aforesaid fully explained to
her, she the said Lucilla R. Morgan declared
that she had willingly executed the same
and does not wish to retract it.

Given under my hand as Commissioner in
Chancery aforesaid this 8th day of January
1875.

J. D. Thornton

Morgan divorce

to West of Settlement
to

W. S. Hart's Master.

1875 Jan. 9 Rec'd J. D. R.

Recorded

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Lancaster

"Q"

In the name of God amen.

I Eliza B. Urquhart make and declare this my last will and Testament - ~~Item~~

Item first: I desire the whole of my property of every description whatsoever, to be divided into twelve (12) equal parts, & to be given respectively to each of my children, excepting my son Thomas H. Urquhart & my son A. B. Urquhart, to receive (\$5.00) five dollars -

Item Second: I give to my son T. H. Urquhart's wife Eliza S. Urquhart & her heirs forever one of the above shares -

Item third: I give to my son A. B. Urquhart's wife Eliza Ann Urquhart & her heirs forever, one of the above shares likewise.

Item fourth: I give my watch to my Daughter M. A. H. Dillard -

Item fifth: I give my Sewing machine & my Piano to my Daughter Rebecca W. Urquhart

Item Sixth: I give my Silver Spoons to be equally divided between my sons, George S. Urquhart, M. A. H. Urquhart, Whitmel H. Urquhart.

Item Seventh: I give glass & earthenware of every description to my sons George S. Urquhart, M. A. H. Urquhart & Whitmel H. Urquhart.

The property as given above to my

Saw J. H. Urquhart's wife Martha S. Urquhart, I wish to be held in trust by my son William Urquhart for the benefit of said Martha S. Urquhart & only for her use.

The property as given above to my son A. D. Urquhart's wife Eliza A. Urquhart I wish to be held in trust by son J. W. Urquhart, for the use & benefit of said Eliza A. Urquhart.

I hereby appoint my sons W. & J. W. Urquhart, Executors of this my last Will & Testament, With my hand & Seal this 28th day of February 1869, Signed & Sealed ~~in the~~

in the presence of

James E. Sebrill

Thos: Simmons

Fannie E. Blunk

} Eliza B. Urquhart 

}

At a Quarterly term of the County Court of Southampton County, held at the Court-house thereof on Monday the 15th day of March A.D. 1869, This last will & Testament of Eliza B. Urquhart Dec^d, was this day fully proved by the oaths of James E. Sebrill & Thomas Simmons two of the subscribing witnesses thereto & thereupon ordered to be recorded, And on the motion of William Urquhart, & Joseph W. Urquhart the Executors named in the said Will, who made oath as the law directs & entered into a bond in the penalty

of Twelve hundred dollars, Conditioned according to law, with W. W. Urquhart & W. H. Urquhart his Secretaries therein (who justified on oath as to their Sufficiency) & which said bond being acknowledged by the obligors therein is Ordered to be recorded, Stamps of the Int. Rev: of the United States to the amount of One dollar being affixed thereto and duly cancelled, Certificate is granted the said William Urquhart and Joseph W. Urquhart for obtaining a probate of the said Will in due form - A Stamp of the Internal Revenue of the United States to the amount of one dollar, being affixed thereto and duly cancelled.

Teste:

J. P. Edwards, C. C.

Attest:

Teste: P. E. Febrill D.C.

Wynhart

20 5 Order of

Wynhart's Institute

"B"

Franklin County Court, January Term 1871.

Elija C. Urgent wife of A.B. Urgent
by W. Urgent her next friend. Plff
against

Joseph W. Urgent Executor of Elija B. Urgent
and as Trustee for Elija C. Urgent
Def

In Chancery

This day this Cause was docketed by Consent of parties
and Cause on to be heard on the bill of the Defendant,
replication thereto, Exhibit filed and was argued by
Counsel, On Consideration whereof the Court doth
adjudge, order and decree, that A.B. Urgent
be substituted as Trustee under the will of
Elija B. Urgent in place of Joseph W.
Urgent as Trustee of Elija C. Urgent
and that he receive & hold the trust property
money & effects subject to the provisions
of the will of Elija B. Urgent in respect
thereto, & that Joseph W. Urgent be
discharged therefrom.

Attest
J. R. Dyer, J. C.

Virginia
Superior County to wit: I

I J. H. Dobie a Commissioner in Chancery
of the County Court of Saint County do certify that T. S. Morgan
and Lucille B. Morgan his wife, whose names are signed to the
within certificate personally appeared before me in my said County
and acknowledged the same. Given under my hand this 22^d day
of November 1878.

J. H. Dobie
Comd in Chancery

This is to certify that in making the deed, conveying a
certain tract of land ^{known as "Pine"} to A.B. Magrath Trustee, we
signed it just as it was written, without reference
to the particular mode in which ^{the land} ~~it~~ was to be held
by said trustee, but just as we were requested to
sign the paper, supposing it in the form desired
by the grantors & in accordance with the decree
authorizing the purchase of said A.B. Magrath
Trustee - Given under our hands this 22^d Nov 1878

T. S. Morgan
L. R. Morgan

Wynhart (E. A.)
90

Wynhart's Invoice
May Term 1879

To be entered

Geo. Brown

Wynhart

vs }

Wynhart's Trustee

This cause came on to be this day heard on the complainant's bill, answer of J. M. Wynhart Trustee, A. B. Wynhart Trustee, affidavit of J. S. Morgan & L. R. Morgan, & exhibits filed. And, it appearing to the Court that the deed of bargain & sale, from J. S. Morgan & wife to A. B. Wynhart Trustee, made the 13th day of May 1872, & recorded in the Clerk's office of this County on the 9th of January 1875, contains trusts & provisions not contemplated by the will of Eliza B. Wynhart, & that said deed was made under a misapprehension of facts, it doth adjudge, order & decree that said deed ^{be set aside and again} ~~be set aside and again~~ ^{be executed by J. S. Morgan & wife} ~~be executed by J. S. Morgan & wife~~ so as to convey said property upon the following trusts; That is, That the said tract of land is conveyed to said A. B. Wynhart Trustee, his heirs & assigns, upon this trust; That he shall permit E. A. Wynhart his wife to occupy, possess & enjoy said tract of land free from all manner of charge & incumbrance of said A. B. Wynhart her said husband or any other land - and she may hereafter take. And upon this further trust, that the crops grown upon said land, or proceeds of the sales of said crops shall, in no wise, be subject to the debts of said A. B. Wynhart. And that a copy of this decree be recorded in the Clerk's office of this County. Nothing further appearing to be done in this case it is removed from the docket - with authority to be reinstated if the parties desire -