

Thursday November 15th 1846

Present

His Honor Richard M Baker Judge

Leicester Washam and William Washam

against

Deft.

David Briggs and with the will annexed John S Washam
ad and Martha Washam

Defto

Shew cause came on the day to be heard on the bill and exhibits and on the answer of the defendants David Briggs administrator with the will annexed of John S Washam and of Martha J Washam and general replication thereto and was argued by counsel for the complainants before the Court, who do declare that by the will of John Washam in the foregoing mentioned the plaintiffs are not entitled to any portion of the estate of the said Testator until after the death of his widow and that by the renunciation of the said Will by the said Widow she became entitled in absolute property to one third of the moneys of the said John S Washam dec'd and in the hands of the defendant David Briggs administrator with the will annexed of the said Washam remaining after the payment of the debts of the said Testator and to one third of the share of the said Testator for life and that the remaining two thirds of the said moneys share passed and descended to the said Testator's two children Susannah and George Washam to be held by them for the life of the said Widow the defendant Martha J Washam with a contingent remainder in fee in case they survived the said Widow and in case of their deaths before the said Widow that the said remainder in fee should under the will of the said Testator in the Compliments.

It is also shew that the said infants having died their respective interests in the said estate to wit absolutely for the life of the said widow passed to the administrators of the said Susannah George Washam and that upon the death of the surviving infant the said Martha J Washam is sole distributrix of the said infant's interest to the said two thirds for her life to be held jointly administrated and agreed by the respective parties by their counsel that David Briggs the administrator of the said John S Washam dec'd is also the administrator of the said Susannah and George Washam dec'd and that there are no debts to be paid for the said infants and that the said Martha J Washam shall in the said be organized and treated in the distributrix of the said infants and entitled to the said two thirds for her life as if their administrator was a party in the said suit with all proper allegations. The Court also declares that as by the renunciation of the said Will by the said Martha J Washam the complainants are disappointed in the legacy intended for them by the Will of the said Testator to an amount equal to the sum which the said Martha J Washam well be entitled to as absolute property as forvoid and that they are entitled to be compensated for such loss out of the remaining two thirds as far as practicable by investing the said fund and allowing the profits thereof to the principal until a fund equal to the original be obtained. The fund in the hands of the administrator shall have accumulated and from and after that time in case the said widow shall be then living that the interest of the whole fund thus accumulated shall be paid to the said Martha J Washam during her life and at her death whenever that may happen the said principal shall be paid to the complainants or their representatives shall be made in some other mode upon the principles settled in analogous cases. The Court do