

Agreement entered into the 13th day of December A.D. 1846 between Margaret P. Barrett, Benjamin S. Barrett, William S. Barrett and James S. Darden & Catharine & his wife legates under the last Will of Captain John Barrett deceased and also of the County of Genkingsport and State of Virginia. Whereas by the last Will of said John Barrett deceased among other legates he did bequeath all his lands (subject to the Widow dower) to his two sons Benjamin S. and William S. Barrett aforesaid leaving to his daughter Catharine & (who lately intermarried with James S. Darden) fifteen hundred dollars to make her equal with her two brothers as to their lands said sum to be paid out of his estate and in the event that either of his said children should die leaving no lawful issue such child's portion to go to the survivor or survivors; And Whereas upon the settlement of said John Barrett's estate there seems to be no surplus left in the hands of the Representatives out of which to pay the said legacy of fifteen hundred dollars and in consequence thereof it is believed that the said Benjamin S. and William S. Barrett are legally bound to contribute equally to the said Catharine & in order to make her equal to them in land under the Will aforesaid which it seems they are unable to do without sacrificing their property and Whereas Margaret P. Barrett aforesaid Mother of said legates being willing and desirous to arrange and settle the difference between her said children to the mutual satisfaction of them all and to which end the said legates have this day met together at the house of their said Mother all of whom being sworn to settle the matter in difference aforesaid Now in order thereunto the parties do each for himself covenant to and with the other to comply with the conditions & stipulations following to wit:

Article 1st The said Margaret P. Barrett agrees to pay to James S. Darden and his wife Catharine & the sum of eight hundred and twenty dollars in full payment and in commutation for the said legacy of fifteen hundred dollars as bequeathed by the Will of said John Barrett deceased and in consideration of which the said James S. Darden and his wife Catharine & hereby agree and bind themselves to release discharge and acquit the said Margaret P. Barrett Benjamin S. and William S. Barretts from the payment of any part of said legacy of fifteen hundred dollars as bequeathed to said Catharine & by the Will of John Barrett deceased aforesaid and to release discharge them as well as the estate of said John Barrett deceased from all liability and account of said legacy and they the said James S. Darden and his wife Catharine & do and will by their private former acknowledged good themselves fully satisfied

Article 2nd The said Benjamin S. and William S. Barrett do each for himself hereby agree that the said sum of eight hundred and twenty five dollars this day paid by the said Margaret P. Barrett to James S. Darden and Catharine & his wife be received by them in full payment and is to be in to and subject to or controlled by the clause or clauses in the Will of said John Barrett deceased which provide that in case that either of his said children shall die without lawful issue such child's portion to go to the survivor or survivors. They the said Benjamin S. and William S. Barrett claiming no right under the said clause in the event of the death of said Catharine & without issue. In Witness Whereof the said parties have hereunto set their hands and affixed their seals the 13th day of December of

Sue Barrett
Emmett A. Hill

Margaret P. Barrett (seal)
B. S. Barrett (seal)
W. S. Barrett (seal)
James S. Darden (seal)