

Chancery Court at Somerville Tenn May Term 1855

John P Hendley
vs
Femina Chambers
Wm S Seague &
wife Martha
Adeline Chambers &
Emma Chambers

Be it remembered that on this the 21st day of May A D 1855 this cause came on for final hearing and directions before the Hon John W Harris Chancellor & presiding upon bill answer of Minor defendants and pro-confessors to femina Chambers Wm S Seague and wife Martha Seague formerly Martha Chambers taken and had at January Rules 1855 all the said defendants having been duly served with process when it appeared to the Court that on the 25th day of July 1853 William P Chambers who was then a resident and Citizen of Seagett County and State of Tennessee departed this life leaving him surviving his wife the said femina Chambers and their Children above named the said Martha since having intermarried with William S Seague - that on the 25th of July 1853 (three days previous to his death) the said Chambers made his will in writing signed by him and attested by Robert Flemming Joseph S Coptell and Wyatt B Madkin who at the request of the said Chambers and in his presence subscribed the same as witnesses, the said Chambers was then of sound Mind and disposing Memory, and said Will was written for him at his request by the witness Robert Flemming at the House of the testator, the complainant and the subscribing witnesses aforesaid being present at the making and execution of the same, and it further appearing to the Court that Complainant took possession of said Will immediately after it was made carried it to his House after having put it in an Envelope and kept same until the Month of June 1854 when Marauding Soldiers searched and robbed complainants House and took from his House said Will since which time the same has been missing and same carried off or destroyed by said Soldiers when upon and upon the facts and circumstances shown by the proof in this cause the Court is of Opinion that the said paper writing was destroyed by some persons without the authority or consent of the said William P Chambers so that the same could not be produced for Probate in the County Court and the Court being further of Opinion that in such a case, a Court of Chancery has jurisdiction to set up and establish said paper writing as the last Will and Testament of the said Wm P Chambers and that the same was the last Will and Testament of said William P Chambers - the Court doth thereupon declare that said paper writing was the last Will and Testament of the said William P Chambers and that the same was in substance and effect as follows Viz "I William P Chambers do make this my last will and Testament, I direct first that all my just debts be paid, after that the residue of my Estate both real and personal to be equally divided between my Wife femina Chambers and my Children Martha, Adeline, and Emma Chambers but to be kept together in the hands of my Executor until the death of my wife or my youngest child becomes of age for benefit of

my Wife and Children, their support and education of my Children, I appoint John P. Hendley Executor to this my will which was signed by said William P. Chambers and published by him in presence of said Robert Flemming, Joseph Propell and Wyatt B. Matkin who became subscribing witnesses thereto, It is therefore ordered adjudged and decreed that the said paper writing set forth as aforesaid be set up and established as the last will and testament of William P. Chambers deceased and that the same be certified by the Clerk of this Court to the County Court of Fayette then to be proceeded on and under as the last will and testament of the said William P. Chambers deceased, and that said Executor be allowed to qualify as such under said will or in case he should fail so to become qualified that such other person as may by law be allowed to administer on said estate of said William P. Chambers deceased with the will annexed and it is further ordered that all the costs of this cause be paid out of said William P. Chambers Estate, that the same be paid by Complainant and allowed him against the Estate and execution issue therefor unless paid in sixty days

State of Tennessee }
 Fayette County }
 Chancery Court at Somerville Tennessee }
 I J. G. McMillan C & M of the }
 do hereby certify that the foregoing is a }
 correct copy of the decree entered in the case of John P. }
 Hendley vs. Semima Chambers & al at the May Term 1866 }
 of said Court - and that the same is of record in my office - }
 witness my hand and private seal (there being }
 no seal of office) at office in Somerville Tenn. Jan'y 8, }
 1868.

J. G. McMillan C & M