

State of Tennessee Chancery Court at Manville
Transcript of the Record in the Cause of Lynch
D Webb, Sr vs Henry Webb et al, in said Court
State of Tennessee

Be it remembered that at a Chancery Court begun
and held, at the Court House in Manville for the
County of Blount, in the State of Tennessee, on the
Second Monday being the 9th day of June, in the
year of our Lord one thousand eight hundred and
seventy three being the Second Monday of the month
and in the year of American Independence the ninety
sixth, Present and presiding the Hon O P Temple Chan-
cellor for the Second Chancery Division in the State of
Tennessee, and elected commissioner and assigned to
hold said Chancery Court, and the following -
among, other proceedings now had and done
and entered of Record to wit;

Friday June 13th 1873

Original
Bill

To the Hon O P Temple Chancellor presiding in Chan-
cery at Manville Tennessee

Your orator Lynch D Webb Sr a citizen of Blount
County Tennessee, humbly complaining represents unto
your Honor, that on the day of 1866 Henry Webb

So late of said County departed this life, after having
 made and published his last will and testament, which
 said will and testament was admitted to probate in the
 County Court of Blount County at its session
 186, a duly certified copy of which will is herewith
 filed marked Exhibit A and asked to be made and
 taken as a part of this bill - Your orator represents unto
 your Honor, that the said Testator by the sixth clause of
 said will devised all his lands in Blount County as
 follows, ^{viz} "sixthly, I give and bequeath to my four
 " sons, and my son Lynches Heins Merry, Henry,
 " Robert, David, and Lynches Heins all my land in
 " Blount County to be equally divided when my son
 " David arrives at the age of twenty one, if the above
 " named parties can agree, if not to be submitted to a
 " jury - all my land below the line to the cross fence,
 " down to be occupied by son Merry, each lot to run
 " south with said line and cross fence, to said main-
 " tain so as to give each one access to timber, Also my
 " farm that my son Lynches lives on, which I have giv-
 " en him the liberty of occupying said farm for the
 " benefit of his lawful heirs, I further direct that my three
 " sons to wit Merry, Lynches, and Henry pay the taxes on

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" said lands annually and also keep up the fences in good
" repair on the premises. Your orator represents that he is
a son of the testator, and he charges that he is the
Son Lynch referred to in the sixth clause of said will
Your orator further represents that in pursuance and
of the desire and intention of the ^{said} testator as expressed
in the said sixth clause of said will, and by agree-
ment of ^{and} between your orator & Meroy Webb, Henry
Webb, Robert Webb, and David Webb, the said
land and real estate was partitioned, and di-
vided, and one fifth part was laid off and set
apart to your orator, into which he went into pos-
session, the said part allotted as aforesaid to your
orator is situated in the 15 Civil District of Blount
County, on the South side of Little River, adjoining
the lands of Meroy Webb, John N. Emonett, and others
and contains one hundred and fifty nine acres
Your orator is advised and so charges that he has
a one half interest in ^{tract of} said land so set apart and
divided as aforesaid under and by virtue of
the devise and limitations concerning said real
estate contained in said sixth clause of said
will, while it is true the fee in that portion of said

lands, which should be allotted to the "heirs" of your orator, under the division referred to in said sixth clause, was limited to and vested in the "heirs" of your orator. yet your orator is advised and so charges that the interest intended by said will to be given to you the heirs of your orator, was a vested interest in remainder and to vest in possession only at the death of your orator, and that the meaning and intention of the said testator was, to give to your orator a fee hold or life estate therein to be used and enjoyed by your orator for the benefit of himself and family. Your orator charges that a life estate was given to your orator by the proper construction of said will, that the remainder was vested in the children of your orator, (whome the testator intended by the word heirs) only at the death of your orator, at which time alone could it be ascertained properly who your orators children or heirs would be, your orator charges that none of the said children or those claiming under them have a right to disturb your orator in the possession of said land or any part thereof. your orator further represents unto your Honor that one John H. Webb, one of the

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children of your orator, on the 7th day of April 1866
purported to sell and convey unto Henry
Webb his undivided interest in said tract of
lands, and on the 22nd day of November 1866,
the said Henry Webb, filed his Bill in your honor
our court, against the other children of your
orator, viz as Anderson Snyder and his wife Ann
Snider Francis Webb, Rebecca Webb, Sally Webb, and
Lynch D. Webb, Jr, alleging that the said Henry was
the owner in fee of an undivided sixth part,
of said tract of 149 acres of lands, as the assignee
of John W. Webb, and praying a partition of
said tract of land by setting apart to him the
said Henry, in severally one sixth part thereof
Your orator further represents that the said suit
was prosecuted by the said Henry, until on the
day of June 1872, a Decree was rendered by
this honorable court, declaring that your orator
only had a right of occupancy, upon said
tract of land, until his brother David arrived
at the age of 21 years, that the said Henry Webb
was the owner in fee, of the undivided sixth share
of said lands, as the assignee of John W. Webb,

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and was entitled to have his share partitioned and that Paul, W. Emmett, and Levi Damm, as commissioners, shall go upon the said tract of land, and partition the same, so as to set apart to said Henry a sixth part of said land in value, and that they report their doings as Commissioners to the next December Term of the Court, - your orator alleges and charges that he with his wife and children, since the death of his father and the date of said division between himself and brothers, has been in the possession and occupancy of said ^{tract of} land, agreeable to and in accord with the intention of his father as expressed by the sixth clause of said will, claiming a life estate in the same, your orator charges that he has a wife and three children, one of whom is a minor living with him, that they are all dependent upon said tract of land for a support, and if the said partition is made, in favor of the said Henry Webb, that the value of said life estate of your orator will be greatly diminished, and the rights and interest of your orator and his family unjustly

invaded and disregarded, Your orator charges that he has seven children instead of six, as alleged in said proceeding in favor of Henry Webb, and that the said Henry would only be entitled to have one seventh part instead of one sixth of said land, even if his proceedings were otherwise valid Your orator charges that he was not a party to the proceedings in the Chancery Court of Henry Webb vs Anderson Snyder and wife and others no notice was taken of your orator or his rights, and interests by the Bill in said cause, yet the Court under some kind of a misapprehension of the status of the case passes upon and adjudicates the rights of your orator, Your orator alleges that if said partition is made as directed by said decree, the rights and interests of your orator will be grossly outraged by the said Henry, and your orator is advised that he has a right to seek the interposition of this honorable Court in his behalf.

The premises considered your orator prays that the Henry Webb the assignee of John H. Webb, and Anderson Snyder & wife Ann Snyder, Lynch D. Webb & Sally

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Webb, Francis Webb, Rebecca Webb, and Sarah Ann Williams both minors, children & heirs of Martha J Williams, deed all of whom, are the children and grand children of your orator be made parties respondent to this bill by apt words and due process Sarah Ann Williams and Saul Williams are minors and reside in Loudon County Dally Calvin and husband Thomas Calvin, reside in Monroe County Tenn, The ballance of the said defendants reside in Monroe County Tenn, your orator prays that they all answer the allegations of this bill on oath your orator prays that an Injunction may issue by the fiat of your Honor, restraining, and inhibiting the said Henry Webb, and the said Commissioners from proceeding to partition said land, until the further order of this Court upon a final hearing your orator prays that the said sixth clause of said will may be construed and the rights and interests of your orator and of his said children, in said land, devised thereby be declared and established, and if the Court should be of opinion that your orator has a fore hold and life interest in said land then

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your orator prays, that he may be quieted in the possession thereof, and the said Henry Webb may be perpetually enjoined from enforcing said decree for partition. If your orator is mistaken in his special prayer, he then prays for general relief

C. J. Bates, Jal

State of Tennessee } Lynch D Webb Sr makes oath
Blount County } that the facts set forth in
the foregoing Bill, are true according
to the best of his knowledge information & belief

L. D. Webb,
mark

Sworn to and subscribed this 20th day of August.
1872, E. Guddard C & M

To the Clerk and Master of the Chancery
Court at Mansfield Tenn., Let an Injunction
issue as prayed for in the foregoing Bill
upon complainant giving bond as requi-
red by law, or otherwise complying with the
law, This Aug 26th day 1872

E. J. Hall Judge

State of Tennessee } Lynch D Webb Sr makes
Blount County } oath that owing to his pov-
erty he is unable to bear the expenses

of the suit, which he is about to commence in the Chancery Court of Blount County, against Henry Webb and others, and that he is justly entitled to the names sought by said suit, under said bill, to the best of his belief.

L. D. Webb Sr.
Mark

Known to & subscribed this August 26th 1872,
E. Goddard CRM

"Endorsed" Orig Inj Bill, Lynch D Webb Sr vs
Henry Webb et al, Filed 26th August 1872,
E. Goddard CRM

Exhibit A State of Tennessee } I Meroy Webb, do make and pub
Blount County } lish this as my last will and
testament, hereby making & making void all other
wills by me made at any other time

First, I direct that my funeral expenses, and all my just debts be paid as soon after my death as possible, out of any monies that may be on hand or that may first come into the hands of my Executors, Secondly, - I give and bequeath to my wife Fanny, all my household and kitchen furniture, and also all the land above the law, that is running South at or near where

L P Duane now lives including the dwelling
 house I now live in, with the other out build-
 ings on said lot, or as much as the widow ^{and}
 minor heirs can cultivate, and if any land
 that they cannot cultivate, is to be rented out
 and the proceeds to go to the use of said widow ^{and}
 minor heirs, and also all my small notes and
 money on hand, to be given to my wife & minor
 heirs,

3^{dly} I give and bequeath to my two daughters
 to wit Jane and Emily, when they become of
 lawful age or marry, to have a good bed ^{and}
 fixtures each, also one horse and saddle, each,
 to be worth one hundred Dollars, also one
 good cow and calf each, also eight Dollars
 each for furnishing their houses,

4^{thly} I also give and bequeath my black
 girl Hannah, to my two sons Robert and David
 the use of said girl to my wife and minor heirs
 until they shall arrive at the age of 21 years
 together with the use of said Hannah if any

5^{thly} I direct that my black boy John be held
 under the same restriction of Hannah until

The death of my wife, or change of widowhood
 then said boy to be said to the highest bidder
 6^{thly} I give and bequeath to my four sons
 and my son Lynch's heirs. Henry, Henry Robert
 David and Lynch's heirs, all my land in Blount
 County, to be equally divided when my son
 David arrives at the age of twenty one, if the
 above named parties can agree, if not to be
 submitted to referees, all my land below the
 line to the first cross fence to be occupied by
 my son Henry and from the cross fence down
 to be occupied by my son, Henry, each lot to
 run South with said line, and cross fence to
 said mountain so as to give each one access
 to timber &c, Also my farm that my son Ly-
 nch lives on, which I have given him the liber-
 ty of occupying said farm for the benefit of his
 lawful heirs - I further direct that my three
 sons to wit Henry, Lynch, and Henry, pay the
 Taxes on said land, annually, and also keep up
 the fences in good repair, on the premises
 7^{thly} I further direct that all my horses with
 the exceptions two, good farm horses, and cattle

except two good muleh caus, be brought to sale
 to the highest bidder, the two horses, and caus
 above named to go to the use of my wife & minor
~~children~~^{heirs} also all my stock hogs and sheep, to
 also go to the use of my wife & minor heirs
 & Ily I further give and bequeath to my dau-
 ghter Rachel, Three hundred Dollars, also to
 my daughter Minifera two hundred and seven-
 ty five Dollars, to be paid as her wants may
 demand, Also to my daughter Nancy three
 hundred Dollars, Also to my daughter Sarah
 twenty five Dollars, Also to my daughter
 Anna one hundred and fifty Dollars, Also
 to my daughter Elizabeth one hundred
 Dollars, & fifty to be paid as her wants may de-
 mand, Also my two daughters Jane & Emeline
 Three hundred Dollars each, I further instruct
 that the ballance of my money of eight hun-
 dred Dollars, with the interest accruing togeth-
 er with the sale of my negro boy John to be Equi-
 ally divided between my six daughters to wit
 Rachel, Nancy Sarah, Minifera Jane and Emeline
 I also give and bequeath to my son Henry

one hundred and twenty five Dollars, as a compensation of a certain Gray mare, to be paid when David arrives at the age of 21 years, I further instruct that two hundred Dollars be deducted out of the eight hundred Dollars, that I have above bequeathed to my six daughters to be expended for two horses and saddles, each to be worth one hundred Dollars, for the use of my two sons to wit Robert and David, Also my wagon and all my farming tools to go to my wife ^{and} minor heirs, I hereby nominate & appoint my two sons, Henry & Leury Webb, and George Snider Executors of this my last will and testament In witness whereof I do to this my will set my hand and seal, This 11 day of January 1859,

attest George Freshour

Merry ^{his} Webb Sen Seal,
_{mark,}

Jacob Freshour

Marked No 624, Merry Webb's last will & testament. January

11 1859, ^{Exhibit} A

Subpoena State of Tennessee To The Sheriff of Loudon County Greeting
You are hereby commanded to summons Sarah Ann Williams, and Saul Williams minors &c heirs of Martha J Williams Decd to appear at a Chan

any Court to be held at the Court House in
Manassas on the Second Monday of Dec next,
to answer the Bill of Complaint of Lynch D.
Webb Sr, filed against them & others in said Court
and when and where you shall also return this writ
and the manner in which you shall have exe-
cuted the same, Witness E. Goddard Clerk and
Master of our said Court at office in Manassas
the Second Monday of June 1872,

E. Goddard Clerk and Master

Endorsew Subpto answer, Lynch D Webb Sr vs Henry
Webb, et al, Issued Sept 26th 1872, E. Goddard com-
piled to hand 1st Oct-1872 J. D. Turner shiff.

J. Hardy, deputize, J. H. Griffitts Special Deptⁿ to execute
and return the within as commanded, 5th December
1872, J. D. Turner shiff.

Executed by summoning the within named parties
and also leaving a copy of the bill with them, this
December 6th 1872, J. H. Griffitts Special Deputy &c

Subpto answer, State of Tennessee, To The Sheriff of Blount County writing
you are hereby commanded to summon Henry
Webb, assignee &c, Anderson Snyder Am Snyder,
Lynch D Webb Jr Dally Webb, Francis Webb and Rebe-
ca Webb, to appear at a Chancery Court to be held

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at the Court House in Manville, on the second Monday of Decr^r next, to answer the Bill of Com-
plaint of Lynch D Webb, Sr, Filed against them
and others, in said Court, and when and where
you shall also return this writ and the manner
in which you shall have Executed the same
Witness E. Goddard Clerk and Master of our
said Court at office in Manville the second
Monday of June 1872,

E. Goddard Clerk & Master

Exhiben, Subpto. auser, Lynch D Webb, Sr. 13
Henry Webb et al, Issued Sept^r 26th 1872,

E. Goddard c^{rn}

Causes to hand same day issued, Executed in
part, and given to Wm^{rs} Headrick Oct-15th 1872

S H Badgett Dept Shff, Summoned in full as
Commanded Oct-16. 1872. Will W. Headrick D Shff

Subptoans^r State of Tennessee. To the Sheriff of Monroe County
Greeting, you are hereby commanded to sum-
mon Thomas Calvin, and wife Dally Calvin
to appear at a Chancery Court to be held at the
Court House in Manville, on the second
Monday of December next, to answer the

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Bill of Complaint of Lynch D Webb, filed against them in said Court, and when and where you shall also return this writ, and the manner in which you shall have executed the same, Witness E. Goddard Clerk and master of our said Court at office in Maryville the Second Monday of June 1872,

E. Goddard Clerk and master

Endorsed Subpto answer, Lynch D Webb Sr, & Henry Webb, et al, Issued Sept 26" 1872,

E. Goddard C.M.,

Law to hand, Oct 4" 1872, Jo E. Houston Shiff,"
Search made but Thomas Calorn & wife Sally Calorn not in my County to be found. This 6" Nov 1872

shiff's cost 50 postage 3,

Jo E. Houston Shiff,

Injunction State of Tennessee Chancery Court at Maryville
To the Sheriff of Blount County Georgia, and to Henry Webb, Daniel H. Emmett and Levi Dunn,
Whereas Lynch D Webb, has filed his Inf. Bill in said Court, against Henry Webb, et al, setting forth among other things that Henry Webb had procured a Decree, to partition the lands on which he himself lived with his family

in fraud of the rights of him Compt^d, and that
 - D^r W. Emmett and Levi Dunn were the causes
 to partition said land, and whereas Complain^t
 ant has also obtained a judicial seat for an
 Injunction in this case, These are therefore to
 command you the Sheriff as aforesaid, that
 you make known to the said Henry Webb,
 David W. Emmett and Levi Dunn, that they
 are strictly enjoined and inhibited under the
 penalty of Contempt of Court, from prosecuting
 said decree for partition until the further order
 of this Court, and how you shall have executed
 this process, make known to our said Court at
 a Court to be held at the Court House in Mary
 ville, on the second Monday of December next,
 and have you also show and show this with
 Witness E. Goddard Clerk and Master of our said
 Court, at office in Maryville the second Monday
 of June 1872, E. Goddard Clerk and Master
 Endorsed Injunction, Lynch D. Webb Sr, vs Henry
 Webb et al, Issued Sept 27th 1872, E. Goddard C^l & M
 Cause to hand same day issued, Executed in full
 by reading ^{process to the} this writ in named parties. Oct-17th 1872

Order. *Wm W. Bradrick* Dept. Shff. Belmont Co.,
Lynch D Webb } Monday December 9th 1872
 vs } By consent two months time is
Henry Webb et al } given, defendant Henry Webb
 in which to answer Compts bill,

Order *Lynch D Webb Sr.* } Monday December 9th 1872
 vs } In this cause Saml P Rawson
Henry Webb, et al } is appointed Guardian ad
 minor respondents Sarah Ann Williams
 and Saul Williams, and he is required to
 answer the Bill in this cause, and upon
 motion alias process is awarded to Monroe
 County for Thomas Calnan and wife Dolly
 Calnan,

due Henry To the Hon. A. P. Triple, Chancellor, &c, sitting
 Webb, in Chancery Court at Marysville for Belmont
 County, Ohio. The separate answer of Henry
 Webb to the Bill of Complaint of Lynch Webb
 filed against this defendant & others in ^{this Court} ~~the~~
 Court. This respondent saving any right of Ex-
 ception to the Complainants bill for answer thereto
 says, That Henry Webb died leaving a last

will and testament which has been duly probated as charged, the sixth clause of which as defendant believes is correctly recited in said bill complainant is the Synchron Webb mentioned and referred to, in said sixth clause of said will as my "son Synchron" the lands owned and possessed by the said Testator at his death and devised by his will was divided in accordance, unto said will and as beaupt has alleged except the share which complainant claims was set apart to complainants children, "or heirs" and not to complainant; whether complainant has or has not a fee simple interest under the provisions of said will, is a legal question to be determined by the court, but under the avowse of beaupt this defendant denies that he has any such fee simple in said land, and he believes and charges that the testator did not intend to vest him with a fee therein, John H. Webb son of complainant and one of his "heirs" and a devisee under said will sold and conveyed his undivided interest in fee to this defendant, and this defendant filed his bill and

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obtained a decree for portion as alleged by Com-
plainant. Complainant has a family, ^{has been} and, in
conjunction with his children in the possession
and enjoyment of said share, set apart in the
partition made, under and in accordance with
Henry Webb's will since said partition was made.
But is not true, that he had in legal contempla-
tion, seven instead of six children as he has
alleged he had as he assumes, an illegitimate
or natural child now deceased, which he has
assumed to legitimate since defendant began his
suit for portion but whether the attempted legit-
imation is legal and ^{valid} or otherwise this deft does not
know, and in the absence of proof, he deems that it
is, and insists that complainant be held to strict
proof, of the contrary if he shall insist the proceeding
by which he claims she was legitimated was regular
and valid and if it was defendant will insist that
the fact can have no effect, upon his rights, as herein
claimed, complainant was not, a party to deft's
suit, for partition but under the law he had a
right to, have gone into court, and made him-
self a party thereto, and asserted his rights and

protected himself in that suit, that this suit is unnecessary, and improper, and that for this reason his bill ought to be dismissed, and complainant required, in case he has any interest in the subject, of litigation to make himself a party to the proceeding suit, and litigate his rights in it, Not being a party to said suit, no decree rendered therein, could legally effect or impair his rights & herein this suit to restrain action therein, is not necessary, leaving answer & defendant all fraud, & prays to be hence dismissed

tc,

Baxter & Son Jals

James Blount County, Tenn, Webb deft in the foregoing and swears that the same is true in substance and in fact, to the best of his knowledge & belief. Subscribed and sworn to this 23rd day of Decr 1872,

E. Goddard com,

Kenny Webb.

Endorsed Lynch Webb as Kenny Webb, et al, answer of Kenny Webb, Filed Decr 23rd 1872, E. Goddard com

Ans of
Gordon,

To the Hon O. P. Temple Chancellor &c, residing in Maryville for Blount County Tennessee
The answer of Sarah Ann Williams & Isaac

Williams by their Guardian ad litem and Solicitor
 Saul P Rowan, to the Bees of Synchron D Webb, Sr,
 & Henry Webb, et al, Your respondents aver-
 ring the benefit of every exception to Com-
 plainants Bill and, for answer thereto say
 That they are the children of Martha J Williams dead, who was
 one of the "heirs" or children of the complainant, that
 Henry Webb who was the bequest Synchron D Webb, died
 leaving a last will and testament, which as respon-
 dents are informed, has been duly probated as
 stated by bequest, that bequest is the person men-
 tioned in the sixth clause of said will, as my
 "son Synchron" That the lands owned by the said
 testator at the time of his death, and devised by
 him have been partitioned, in accordance with
 said will, and that the bequest went into the
 possession of the part allotted to bequest, or to
 the "heirs" of bequest, and has remained in pos-
 session of said property, with his family ever-
 since, Whether the bequest has a free hold, or
 life estate in the lands, devised to the "heirs" of
 bequest" under the 6th clause of said will is
 a question of law to be determined by a cou-

struction of said will, which they submit to the adjudication of your Honor. They are informed that it is true that John W. Webb, one of the children of Couper conveyed his interest in the lands alluded to the heirs of Couper as stated, and that the proceedings for the partition were instituted as alleged, but your respondents state and charge, that if said proceedings were otherwise valid and correct, the order or decree, directing said land to be partitioned into six shares is erroneous, and wrong, as there are seven children instead of six, as set out in said proceedings who are heirs of the Couper, and vested with Tithe either in fee or remainder as may be determined by a proper construction of said will of Henry Webb deed and now having answered, as fully as they are advised it is material or necessary pray to be hence dismissed &c.

State of Tennessee I Saw P. Rawan answering as
 Beaufort County Guardian ad litem, and
 Solicitor for the above named minor respondents
 Make oath that the statements made in the

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foregoing answer, are true to the best of his
knowledge information, and belief

Saml P Rawan

Saml and subscribed before me May 23rd 1873

E. Goddard com, Endorsed, Lynch D.

Webb Jr vs, Henry Webb et al, Assuer of Saml
P Rawan, Guard ad litem and solicitor for
the minors S & Saul Williams

Filed May 23rd 1873, E. Goddard com

Friday June 13th 1873,

Deem of said Lynch D. Webb Jr, } In this cause it appearing to

vs } the Court that process of
Henry Webb et al } subpoena to answer, and
copy of Bill had been regularly served upon
all the parties defendants to this suit more than
five days before the 1st day, of the present Term
of this Court, and that the defendants, An-
derson Snyder & wife Ann Snyder, Lynch
D Webb Jr, Dally Webb Francis Webb, Rebecca
Webb, Thomas Calvin and wife Dally Calvin
have failed to make any defense to the bill
in this cause, It is therefore considered by
the Court that a Deem Pro confesso be taken

The same is hereby taken, and entered against
 the said Defendants, and the cause as to them
 set for hearing Ex parte. Thereupon this cause
 came on to be heard and determined before
 the Hon O. P. Temple Chancellor, upon the bill
 answer of Henry Webb, and S. P. Rowan
 Guardian ad litem and Solicitor for the
 minor defendants and upon the Exhibits
 to the Bill, and the Court thereupon decrees
 That Henry Webb Sr deed in and by the 6th
 clause or item of his last will and testament
^{intended to give to Joseph}
 (who is the son Lynch mentioned therein) a free
 hold or life estate in the tract of land men-
 tioned in said sixth clause, as being devised
 to "my Son Lynch's heirs. The Court further
 decrees, that the Complainant Lynch D Webb, Sr,
 by the devise in said sixth clause contained, has a
 life or freehold interest in the tract of land lying
 in the State of Tennessee, County of Beaufort Dist^{ct}
 No 15, on the South side of Little River adjoi-
 ning the lands of Henry Webb, John A. Emonett
 and others, containing 149 acres to be used and
 enjoyed by him for the benefit of himself + family

during his life, and that at his death the remain-
 der vests in such persons, as that time may be the
 legal heirs of Lynch Webb Sr. The Court further
 decrees that the said Lynch Webb Sr. has the right
 to the undisturbed possession of said tract of land
 during his life, and the Court further decrees that
 the defendant Henry Webb, and all the other def-
 endants to this suit be perpetually enjoined from
 disturbing or disquieting the said Lynch Webb,
 in the peaceable occupancy, and enjoyment of
 said land, during his life. and that the decree
 rendered at the June Term of this Court, in favor
 of the defendant Henry Webb to partition said
 land in the case of said Henry Webb, vs Anderson
 Snyder et al. be perpetually enjoined; And it is
 further ordered by the Court, that complainant
 pay the costs of this cause, From which decree
 the defendant Henry Webb prays an appeal to
 the next Term of the Supreme Court to be holden at
 Knoxville Tennessee, and two months time is
 given in which to give an appeal bond.

Appeal
 Bond Know all men by these presents that we Henry
 Webb and E B McKee, are held and firmly

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Amount forward \$2640

State Tax 500

County Tax 500

Jeff Beadick Simq 2 Defts 700 Siming day 300 400 10.00

" Newton Subp to ans 2 Defts must 50 .50

" J M Griffiths Simq 2 Defts 200 2.00

Deered Oct. 17. 1872 vs Deft. \$4895

Henry Webb E Goddard ctm \$42.05

State of Tennessee

County of Blount } I E Goddard ctm of

the Chancery Court at Marietta for the County

and State aforesaid do hereby certify that the

following is a full true and perfect Transcript

of the entire proceeding ^{and bill of costs} in the cause of Lynch

D Webb Sr vs Henry Webb et al in said Court

as now appears of Record & from the file

in my office Given under my hand

and seal of said Court

at office in Marietta

This August 15 1873,

E. Goddard ctm

A"	Quener of Webb,	19,
	Quener Rawan Gan	22,
B"	Bill Oig"	1
	Baud appeal	27
C	Caption	1
	Casts	28,
D	Decree final	25,
E	Exhibit A"	10
I	Injunction out of	17,
O.	Orders	19,
S	Subp to aus"	14-15-16,

Inamery
Case

No. ~~55~~ 34 - 3rd Dist.
Blount County

Ernoch D. Webb Sr.

vs
Henry Webb et al.

Filed August 29. 1873. Security
E. B. McKeen

Jest. J. F. Deaderick
ck.

Enrolled

Webb vs Webb.

1874

Lynch D. Webb Sr. } This cause
 or } Comes to this Court
 Henry Webb et al. } by Dept Henry Webb
 appeal from the
 decree of the Chancery Court at
 Maryville -

The question for our determination is what interest, if any, does
 Complt take in certain lands, by
 the sixth Clause of the will of
 Henry Webb dec?

That Clause is as follows.
 "6thly. I give and bequeath to my
 four sons, and my son Lynch's
 heirs, Merry, Henry, Robert, ~~David~~,
 and Lynch's heirs, all my
 land in Blount County, to be
 equally divided when my son
 David arrives at the age of
 twenty one, if the above named
 parties can agree, if not to be
 submitted to referees, all my land
 below the law to the first crop

fence to be occupied by my son
Henry, and from the cross fence
down to be occupied by my son
Merry, each lot to run south with
said lane and cross fence, to said
mountain, so as to give each one
access to timber t.^c Also my farm
that my son Lynch lives on, which
I have given him the liberty of
of occupying said farm for the
benefit of his lawful heirs. I fur-
ther direct that my three sons to wit
Merry, Lynch, & Henry pay the taxes
on said land annually and
keep up the fences in good repair
on the premises."

In the first part of the fore-
going clause, Testator ^{gives} to his 4 sons
& his son Lynch's heirs all his land
in Blount County, and directs what
part shall be occupied respectively
by his sons Merry & Henry. And then
proceeds to say of the farm on which

Synch lives, that he had given him the liberty of occupying it for the benefit of his lawful heirs - & provides that Henry, Merry, & Synch, to each of whom he had designated the land to be occupied by each, shall pay the taxes annually & keep the fences in good repair -

We think it manifest that Testator intended that Synch should occupy the land on which he lived, after Testator's death. There is nothing in the will, from which we can see that his occupancy should terminate before his death, when his heirs would succeed to the estate - He, like his brothers as to the lands devised ^{was allowed to occupy the same} ~~them~~, was required to pay the taxes annually & keep fences in repair. The part he was by the will allowed to occupy for the benefit of his heirs, was devised to his "heirs", and as we think, they can take the estate only after the death of their father and as his heirs - And that Testator

designed to give ^{his son} Lynch a life estate
in the land devised to his "heirs" for the
benefit of his family -

The Chancellor is held and we
affirm that - deene

Deudenek

J.

Memo

Lynch D Webb Sn

"

Henry Webb et al