

WILL - WILLIAM SMYTH

Elizabeth City Co. Court Records 1689-1699; Reel 1, page 138;
Reel 2, page 305

At a Court held 18 December 1693

The Deposition of Thomas Wythe Jun'r aged twenty three years or thereabouts Sworne Sayth that on or about the 5th of November last past the dep't [deponent?] heard William Smyth late of this County Say that he thought he had not long to live and told the depts [deponent's?] mother that when he died he desired to be buried in her garden and likewise desired the depts [deponent's?] Mother to see that he might have a decent Buriall and that the neighbours round about might bee at his funerall and for that trouble and former kindnesses he then declared that after his debts were payd he freely gave all his Estate to the depts [deponent's?] mother mrs Ann Wythe and further Sayth that the above menconed [mentioned] William Smyth was in p'fect Sence and Memory when he declared the words afores'd

Swr in Crt 18th
Xber 1693

Tho Wythe Junior

Mary Felts aged 21 years or thereabouts

Examined and Sworne Sayth

That all and Every the particular menconed and Expressed in the above deposition of Mr Thos Wythe Junior is true and further Sayth not

Swr in Crt 18th Xber 1693

her

Mary X Felts
mark

Elizabeth City County Court Records 1689-1699; Reel 1, page 154;
Reel 2, page 327

Dated recorded not given

By his Excellency

To all to whome these presents Shall come Know yee that I Sir Edmund Andrews Knt their Majesties Lt and Governor Gentl of Virginia send Greeting in our lord God Everlasting Whereas Wm Smyth late of this collony decd did by his last will Noncupative Give and Bequeath unto Tho Wythe Senior all his Estate which said Tho Wythe did at a Court held the 18th of December 1693 make humble suite to the said Court that a Probat of the said will noncupative might be granted unto him for which cause full power and lawful Authority is hereby Given and Granted unto him to dispose of all and Singular the goods rights

and Credits of the said deceased according to the true Intent and Meaning of his said Last will noncupative Expressed and to render a true acct thereof when thereunto Lawfully Required Given unto my hand and the seale of the Collony .

Elizabeth City County Court Records 1689-1699; Reel 1, page 155;
Reel 12, page 329

Probates and Administrations [Undated listing]

18 Xber 93 Probatt of the Last Will noncupative
of William Smith decd then granted unto
Mr Tho Wyth Sen'r

Elizabeth City County Court Records 1689-1699; Reel 1, Part II,
page 24

Court Orders 18 December 1693

Probate of the noncupative Will of Wm Smith decd
is granted unto Mr Thomas Wyth Senior giving
security to the Court according to same the Court
Indemnified from the said Estate

Security Mr Thomas Wyth Junior
William Mallory

The following is Mrs. Chapman's abstract of the above will from her "Wills and Administrations of Elizabeth City County 1600-1800" (c 1941). Her work is usually considered quite accurate, but she seems to be in error when she refers to Ann Wythe as William Smith's mother.

SMITH, (Smyth) William: Nuncupative will, proven by Thomas Wythe, Jr. aged twenty-three and Mary Felts aged twenty-two. After all debts are paid, whole estate to Mother, Mrs. Ann Wythe. Xber 18, 1693.
Probation of will granted Thomas Wythe, Sr., security, Thomas

Wythe, Jr. and William Mallory. December 18, 1693.
Book 1689-1699, p. 138 & 154. Order Book, p. 24.

Many genealogists have probably relied on Mrs. Chapman's abstracts. These are Boddie's comments made in reference to the above will (c 1954):

Thomas Wythe married Anne Smith, a widow. William Smith, her son, made his nuncupative will in Elizabeth City October 18, 1693. The will was proven by the oaths of Thomas Wythe, Jr., aged 23 and Mary Felts, aged 22. They stated that after all debts were paid, he left his entire estate to his mother, Mrs. Ann Wythe. Probation of this will was granted by Thomas Wythe, Sr. His bondsmen were Thomas Wythe, Jr. and William Mallory. (Bk. 1689-99, pp. 138, 154; O.B. 24.)