

1816 - 054 Chancery Causes: John Westray, by VC & d VS Matthew Westray & Brunel Harris,
Dsh & Wight County extor of Matthew Tomlin

agents share and allot 1/7 to Galtmore, 1/7 to Mattew, 1/7
 to John, 1/7 to Linpay, 1/7 to Charlotte, 1/7 to Netsy & Malt
 & 1/7 to Polly, 1/7 to Gray. That of the purchase or purchases
 they take bond with approved security and make
 report thereof to the Court in order to a final decree

Of the same nature

as the

and is to be

drawn up

in the

of the

of the

Toulis de

in

Bill de

Toulis de

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Secura drawn -

attesting

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aforsaid or fully or if the same were here again
repeated and they think parties interested. They
your complacents by leave to represent that this
father a certain day Matray died intestate or or
about the day of ~~add~~ ^{possession} of a tract
of land in said County to which property your
complacents and the said Matthew Matray are
equally and alone entitled - that this is very much
desired by them that the said land should be divided
between themselves and the said Matthew Matray
in equal proportions. They pray also that the
said Matthew Matray be also made a defendant
to that part of this Bill which prays a division of the
land, and that he be compelled in respect to that part
also, full, true and perfect answer to make to the
allegations contained therein - They further represent
that this an best four acres to be divided between
your complacents and the said Matthew Matray
agreeably to the will of this said grandfather
Matthew Tomlin, and that a division in kind cannot
be effected - They therefore humbly pray that your
Honours will direct and order that the said claims
to wit Beth, Humphrey, Joe and Lucy which were devised
to your complacents and the said Matthew Matray
the defendant be ~~between the~~ sold and the proceeds
arising therefrom equally divided between them - that
you will also deem that the land of which this
father died possessed be equally divided between them
and the said defendant Matthew Matray - ~~and~~ ^{and}
And that your will appoint fit and proper
person to carry the said dem into effect & promote
any other or further order which may seem just
and proper - and as in duty bound They will
ever pray &c.

Attest p. 3 -

The answer of Matthew Matray also of Burwell Harris
es. of Matthew Tomlin died
to a Bill of complaint exhibited against them in the County
Court of Miss. Right by John Matray an infant by Matthew
Matray his next friend, Katy Matray of full age, Lemmy, Charlotte
Polly Matray and Polly Matray infants by Matt. Matray his friend
now and of all ~~their~~ ^{respondents} ~~and~~ ^{saving and requiring to themselves}
way right of exception to the error in the Bill set forth
for answer that or to so much as they are ~~and~~ ^{it is}
material to answer say that the ^{principal} ~~allegations~~ ^{allegations} in the
Bill are correct - They deny all fraud or intention
to injure the complacents and are willing that the Court
shall grant the prayer of the Bill or make any other
or further relief for this relief which may seem just and
proper - They pray them to be dispensed with this
reasonable costs in this behalf expended and ~~and~~ ⁱⁿ
duty bound they will ever pray &c. -

Matthew Matray
Burwell Harris

Chy

By count of parties and the expense of the Court this
cause came on this day to be heard upon the Bill,
answer exhibits and arguments of Councils whereupon it
is deemed, ordered and adjudged that Backs Lightfoot, David
Dick, Robert Ayres or any two of them do divide the land in
the Bill mentioned into seven equal shares and allot $\frac{1}{7}$ to Katy, $\frac{1}{7}$ to
Matthew Matray, $\frac{1}{7}$ to John, $\frac{1}{7}$ to Lemmy, $\frac{1}{7}$ to Charlotte, $\frac{1}{7}$ to
Polly Matray, and $\frac{1}{7}$ to Polly Matray the ~~Bill~~ ^{Bill} ~~of~~ ^{of} ~~the~~ ⁱⁿ this Bill, and
that having advertised the same at some publick place in the
County of Miss. Right at least ten days, proceed to sell to the
highest bidder ^{or venditor of him} ~~the~~ ^{except the} ~~the~~ ^{out of} ~~of~~ ^{costs of the suit}
Lemmy and Polly and divide the proceeds into seven

To the Honorable Court of Whose Right County in Chesapeake
Lumbly complaining shew unto your Honor, your orator
and orator's John Mestray an infant of tender years being
by Matthew Mestray his next friend, Catharine Mestray,
Leopold Mestray, Charlotte Mestray, ^{Matilda} Matilda Mestray
and Polly Mestray infants of tender years by Matthew
Mestray his next friend, that this grandfather a
certain Matthew Tomlin died on or about the day of
Adonis 1810 having first made and published his
last will and testament ~~a copy of~~ to which reference is
prayed to be had wherein he bequeaths to his daughter
Sally Mestray certain slaves during her life, and at
her death to be divided equally between his grandchildren
children of say Mestray the ^{late} husband of the said Sally.
That your complainants and a certain Matthew Mestray
are the grandchildren of the said Matthew Tomlin
and are the persons to whom their said grandfather
devoted the said slaves. That this said mother
Sally Mestray has departed this life in possession of
the said ~~Sally Mestray~~ ^{property} which said property they
are now and have long been anxious to get into
possession. but they have been prevented from getting the
same done, in consequence of the unwillingness of the
said Matthew Mestray and a certain Burwell Harris
executor of the said Tomlin this grandfather. They
represent that it would be much to their intent to obtain
a decree of this Court for the same to be divided agreeably
to the will and intention of the testator ~~the~~ Tomlin, and they
understand that in consequence of the infancy of some
of the distributees nothing can legally be effected with-
out the interference of your Honor's body.
They pray that the said Matthew Mestray and the
said Burwell Harris ex^r of said Matthew Tomlin
be made defendants to this Bill of complaint and that
they be compelled full true and perfect answer
to make to all and singularly the allegations

We the undersigned heirs of Levy Westray decd: are
willing and desirous that the land of which the said Levy
Westray decd seized and possessed should be sold and the
proceeds thereof divided among his heirs, as in our opinion
a sale would be ~~more~~ ^{more} beneficial to the heirs, than
a division would be - Matthew ^{his} Westray nat

Feb'y 1816

Witness

mark
Grains to Catharine Tempy Schott,
John, Peter, Matilda & Polly Westray

Michael Murphy