1822-011 Chancery Causes: George James Byrd + Charles W. Byrd, by v.c. vs Mary Ann Byrd, by
Isle of Wight County + C + Richard W. Byrd's admrs

other surnames: Atkinson
Wilson, Jordan, Tazewell

To the Worshipful the County Court of Isle of Wight
sitting in Chancery humbly complaining shew
unto your Worships your orator George Jones by
and [illegible] his next friend that Richard H Boyd deceased
one year, that being by Joseph Atkinson
his next friend. That Richard H Boyd deceased,
late of the County aforesaid
was at his death possessed of, and entitled to, a
very large personal estate, and
in the County of Isle of Wight aforesaid
That the said Richard H Boyd departed this life
on or about the day of instant
intestate leaving three children your
orator and certain Mary Ann Boyd & Alice
an infant under the age of twenty one years. That after
the death of the said Richard H Boyd deceased,
and at the time of the intermarriage with the
aforesaid Richard H Boyd and hereafter
entitled to an [illegible] and Court of the County aforesaid,
which the said Letty is [illegible] and
from [illegible] and which [illegible]
the County aforesaid. That the said Mary Ann
Mary Ann the mother of your orator and the said
Mary Ann Boyd and Alice Boyd
executed and delivered unto
the said Richard H Boyd and
and the said
real estate last aforesaid as tenant by the Courtesy
[illegible] Your orator further represents that since the
death of the said Richard H Boyd it has been
found that in his lifetime he purchased of Thomas
Jordan and William M. Jaquith the tenant in
a tract of land lying in the County aforesaid
which belongs to Charles and certain other lands

but which was not regularly and legally executed by the said Richard R. Boyd in his life time. That the said Littleton N. Boyd and Mary Boyd have since departed this life by which the aforesaid lands

And your orator also states that the said George Wilson and James T. Wilson, before the County Court of Wythe obtained letters of administration of the goods, chattels, rights and credits of the said intestate, and by virtue thereof took upon themselves the personal estate and effects of the said intestate, to an amount greatly more than sufficient to pay and satisfy his funeral expenses and debts. All which your orator is ready to aver and prove as this honorable court may direct. And your orator further states that the said Richard R. Boyd died seized and possessed of the following slaves, to wit: Abbey, Lucy Ann, Harriet, Amy, John, Caty, Tom, Sam, Abraham, Davy, Polly, John, Harry, old Sam, Charlotte, Jack Hopper and Dick, - Charlotte, John and Emily and the infant child of Charlotte, to wit

Your orator also states that the said Richard R. Boyd departed this life intestate and without issue of his body, leaving the said James T. Wilson and George Wilson his only children and heirs at law, and the said Mary Boyd his widow, entitled each to one third part of the real and personal estate of the said Richard R. Boyd which remain after the payment of the said Boyd's debts and funeral expenses, and that a division thereof according to their respective rights will be made to the distributees of each. And your orator also states that in consequence of the infancy of those entitled to the said estate, a partition of the same cannot be had without the interference of this honorable Court in which matter your orator is also interested and concerned. And your orator further states that the said Richard R. Boyd died seized and possessed of a tract of land, lot of ground and premises in the town of Wytheville, and the said Mary the wife of the said Richard R. Boyd is entitled to dower therein and thereto, and that your orator is also interested therein. Wherefore your orator prays that the said George Wilson and James T. Wilson may be required to appear before this honorable Court to answer the premises and that the said Mary the wife of the said Richard R. Boyd may be required to make her election whether she will accept of her dower in the said lands and premises or take her distributive share of the personal estate of the said Richard R. Boyd deceased, and that a commissioner may be appointed to ascertain and report to this Court the amount of the personal estate of the said Richard R. Boyd deceased, and the debts due from the same, and that a division of the slaves may be made among the distributees entitled thereto, and that the said commissioner may also report whether the said tract of land, lot of ground and premises in the town of Wytheville can be divided among the parties entitled thereto without prejudice to their interests, and if not that the same may be sold and the proceeds thereof divided among the parties entitled thereto, and that your orator may have such other and further relief in the premises as the nature of his case may require and to this honorable Court shall seem meet. May it please your honors to grant unto your orator the writ of subpoena to be directed to the said George Wilson and James T. Wilson commanding them at a certain day and under a certain penalty therein to be limited personally to be and appear before this honorable Court and then and there to answer all and singular the premises and to stand to perform and abide such order, direction and decree therein as to this honorable Court shall seem meet according to equity and good conscience. And your orator will ever pray &c.

Counsel for Complainants

Byrd &c.
vs
Byrd
bill dism.

November 1822 Interlocutory decree

March 1823 Interlocutory decree set aside, and Bill dism. upon the merits

March Judgments
1822
No 3

Geor. Jam. Byrd and Chas. H. Byrd infants cmplts

against } vs Chy.

Geor. Wilson & Jam. R Wilson admrs Richd H Byrd
decd and Mary Ann Byrd an infant &
by Geor. Wilson her Guardian Specially appointed by
the Court to defend her interest is this suit Defts

By consent of parties with the approbation of the Court
this cause came on this day to be heard upon
the Bill and answer filed & was argued by
Counsel whereupon after mature deliberation, the
Court doth adjudge, order and decree, that
Robert Beasley, Wilson Rae & Samuel Whitfield and
Barbee, Lieut. Gent or any 3 of them
with the assistance of the County Surveyor or Deputy
County Surveyor if occasion may do proceed
to divide into three equal shares the lands
and slaves of which Richd H Byrd and his wife
Emily Byrd died seized or
entitled to, lying in Edgecombe County
to the lands conveyed to Geor. Jam.
Byrd, Chas H. Byrd and Mary Ann Byrd by
Lewis at Law of Richd H Byrd deceased, by
Richard H. Pegram and Thomas Jordan
having regard to quality and quantity in such
a manner as will best promote
the interest of each of the said infants - that they
allot one third to each of the said infants, and
that they make report of their acting and doings
herein to this Court with any remarks
which may seem pertinent, in order to a final
decree -

The joint and several answer of Geo. Wilson and James Wilson administrators of Richard B. Byrd deceased - and Mary Ann Byrd an infant under the age of twenty one years, by Geo. Wilson appointed by the County Court of Alby. right to defend her interest in this cause - to a bill of complaint exhibited against them by Geo. Jones Byrd and Charles B. Byrd infants, sue by Joseph Atkinson their next friend -

These defendants, now and at all times hereafter saving and reserving to themselves severally and respectively, all and all manner of benefit and advantage of exception to the many and insufficiencies in the complainants Bill contained, for answer thereto, or to so much thereof as they are advised is material or necessary for them to make answer unto, answer and say that they cannot gainsay the complainants allegations in said bill to the contrary thereof; and have no objection to the decree asked for; and the 4th defendant, the infant answering by his said Guardian says, she is under the age of 21 years and cannot know much of the statement made by the complainants in their bill - She therefore submits herself and interest in the premises to the care and protection of this Honble Court &c.

James B. Wilson
Geo. Wilson