1818-003 Chancery Causes: Robert Gaynal vs Melia Day, admx of Joshua Day

Isle of Wight County
Plat

other SURNames: Lightfoot

To the Worshipful Court of Lewis Virginia County in Chancery sitting, Humbly complaining, shew unto your honours Your orator and oratrix Robert Gay, Alexander Gay, Jonathan Gay, David Gay aged infants under the age of twenty one years suing by Boyle Gay their next friend ~~by~~ That they are the children of a certain Jonathan Gay who departed this life ~~of which he was seized~~ entitled on or about the day of . That the said father at his death was possessed of about two hundred and twenty four acres of land lying in the said County, also of sundry negro slaves to wit; Sim, Rose, Jenny, Robin, Dick, Lop, Jack & Milly. That the father left a widow, to wit, Melicia Gay, ~~whereby~~ to whom administration on the said estate hath been committed by the County Court aforesaid. Your complainants are advised that of the said real and personal estate of their deceased father, the said Melicia Gay his widow is entitled to one third part in right of dower and that the balance of the said estate both real and personal ought in justice to be divided equally between them. A division of this kind has long been sought to be obtained, but in consequence of the infancy of two of your complainants and the unwillingness of the said administratrix who is alone intitled in withholding from them their just rights to the property of their father they have been unable to effect the said division. And your complainants understand that a division cannot under the circumstances be legally made without the interference of a Court of Equity in which matters of this kind are properly cognizable. They therefore pray that the said Melicia Gay administratrix and widow of said Jonathan Gay deceased be made a defendant to this Bill of complaint, that she be compelled a full, true, perfect and satisfactory answer to make to all and singularly the allegations aforesaid as fully as if the same were here again repeated and that she may be particularly interrogated. They further pray that your honours will decree, order & adjudge that one third part of the real and personal estate of the said Jonathan Gay be laid off and set apart to the said Melicia Gay widow of said Jonathan, as her dower right, that the balance be divided and set apart ~~as aforesaid~~ ~~one fifth part thereof shall be allotted to~~ equally between your complainants. That you will appoint fit and proper person to carry the said decree into effect, & that you will grant such other and further order for their relief as justice may require, & as in duty bound they will ever pray.

We hereby certify that we are willing that 1/3 of the estate of our deceased father Jonathan Gay shall be allotted to [illegible] dower [illegible] that the balance [illegible] be equally divided between us and our [illegible] Jonathan Gay and [illegible] Gay

Test
B. Lightfoot

All Available Text Successfully Captured

To the Worshipfull Court of Chancery for the State of Virginia —

The answer of Melia Gay widow and administratrix of Joshua Gay to a Bill of compl.t exhibited against her in the County Court of Chancery for the District of Richmond by Robert Gay, Alexander Gay, David Gay, Joshua Gay and Aurora Gay the three Callen infants of tender years suing by Bartholomew Lightfoot their next friend and guardian —

This respondent saving and reserving to herself now and at all times hereafter all and every right of exception to the manifold errors and imperfections in the said Bill set forth for answer thereto or to so much or so much thereof as she is advised it is material for her to answer, answering, saith it is true that she is the widow and administratrix of Joshua Gay deceased who died at his death the negro slaves and land named in the Bill or their aliened &c. that it is equally true that the complainants are the children of the said Joshua and that they are entitled to the dower prayed for by the compl.ts provided any means can be effected to enable her to assent to them complying with the event of any part the debts of the said estate — upon condition that she can be saved harmless the compl.ts that your hon.r shall make the dower prayed for or other order order ordered which may seem proper — She prays hers to be discharged with her reasonable costs in this behalf expended — &c. as in duty bound —

I do affy that it is my wish that the real and personal estate of my deceased husband Joshua Gay shall be divided equally between Robert Gay, Alex.r Gay, David Gay, Aurora Gay and Joshua Gay children of the deceased, after having my dower laid off which I wish done — Bartholomew Lightfoot Guardian to David, Aurora & Joshua Gay aforesaid and administratrix of my husband the said Joshua Gay — and will that the Court shall decree accordingly —

January 5th 1810

her
Melly + Gay
mark

Test
Wm Wyatt
B. Lightfoot

Robt Gay Alexander Gay David Gay
Joshua Gay and Aurora Gay children of
Joshua Gay dec.d the two Callen infants of tender years suing by Bartholomew Lightfoot their Guardian and next friend — against — Melia Gay widow and admr.x of Joshua Gay deceased

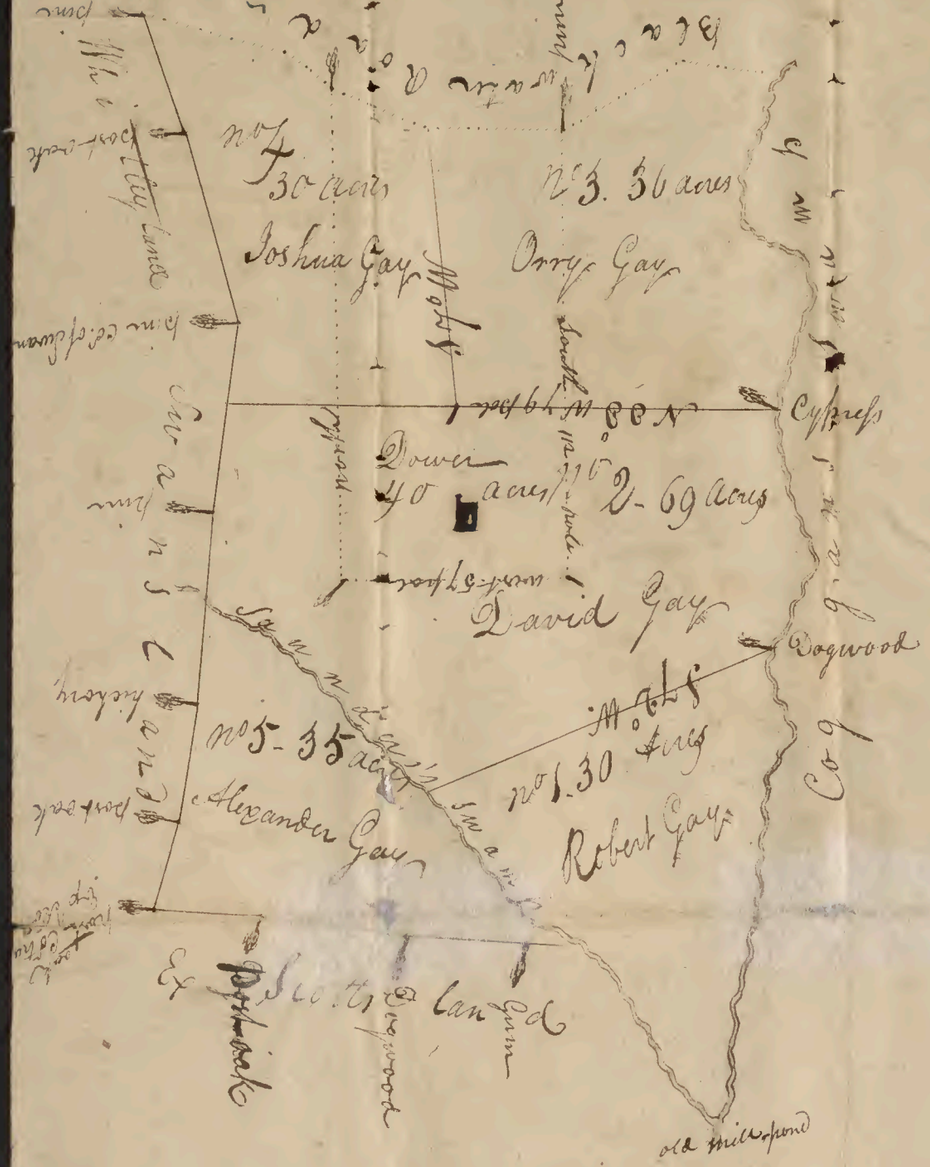
Comp.ts

Dft.

Dft.

By consent of parties and the agent of the Court this cause came on this day to be heard upon the Bill, answer and exhibits and agreement of Counsel, whereupon it is decreed, ordered and adjudged that Henry R. Pitts, Robert Ingram, Thomas Smelley and Wm Roberts or any two of them, do allott and set apart to Melia Gay widow and relict of Joshua Gay deceased, one third part of the real and personal estate of the said Joshua Gay, as her dower intended that they then proceed to divide and allott the residue of the said real and personal estate equally between the complainants in the Bill mentioned as nearly as may be in proportion to quality and quantity. ~~And that they report their proceedings to the Court~~ Provided however that if the compl.ts in the Bill shall if required by the Dft. admr.x of her dec.d husband execute bond &c. with sufficient security to the satisfaction of the Court in order to a final decree —

Gray &c
Bill
Bank
Filed
Jany 1817



Isleofwight Febuary 18th 1817—

Survey'd for the heirs of Joshua Gay dec'd the lands of said dec'd containing Two hundred acres bounded as follows (viz) beginning at a small pine in Randal Whitleys line by the side of the Blackwater road thence along the s'd Whitleys line S. 20° E. 32 pole — S. 15° E. 50 pole to a pine a Cornerline of — Swan thence along his line S. 8° W. 50 pole — S. 5° W. 46 pole — S. 10° W. 30 pole to post oak S. 16° W. 93 pole to post oak Cornerline of Equm Scotts Land thence along his line S. 86° E. 28 pole to a post oak — S. 80° E. 36 pole to a dogwood S. 86° E. 30 pole to a Gum upon the hill thence to the main swamp then down the swamps to the fork in the old Mill-pond then up the swamps call'd Coggans Swamps the meanders thereof to the Blackwater road thence along the said Road N. 83° W. 24 pole — S. 60° W. 34 pole — W. 37 pole — N. 69° W. 24 pole — N. 53° W. 16 pole — N. 75° W. 38 pole to the beginning. — May'k — 7. 36 a

Tho's Smelly Surv.

The dividing line for Lotts No. 1 & 2 begins at a dogwood upon the side of Coggans Swamp & runs South 72° W. to the other swamp —

The dividing line for Lotts No 2, 3 & 4 begins at a Cypress in the Swamp aforesd and runs N. 88° W. to Swans line — the dividing line for Lotts No. 3 & 4 begins at a Stake in the last mentioned line 79 poles from the Swamp and runs thence S. 7° W. to the Blackwater road and the dividing line for Lotts No. 1, 2 & 5 is the main Swamp call'd Sanders Swamps as will appear by the annexd plat —

Tho's Smelly

In obedience to the annexd decree of the honorable court of Isleof-wight County we the undersigned commissioners named therein have laid off and set apart by certain mates & bounds forty acres of land including the houses, still, and other conveniences contiguous thereto to Milly Gay as her dower of the lands of Joshua Gay her dec'd husband —

To Robert Gay we have assign'd & set apart by mates & bounds Lot No 1 containing thirty acres be the same more or less —

To David Gay we have assigned & set apart Lot No 2 containing sixty nine acres more or less, a large portion of which is worn out and apart subject to the dower interest of the widow wherefore we consider it only an equal proportion of the whole in valuation —

To Orry Gay we have assigned Lot No 3 containing thirty six acres more or less a part of which is subject to the dower interest tho we consider it an equal proportion in valuation —

To Joshua Gay we have assigned Lot No 4 containing thirty acres more or less under the same incumbrance of the

two

last
two lots No. 2 & 3 tho we consider it an equal proportion in valuation —

To Alexander Gay we have assigned lot No. 5 containing thirty five acres more or less of equal value to either of the other lots —

For a further description of the said lots & No. reference may be had to the annexed plat Given under our hands this 3rd day of January 1861 —

Ro. Jordan
Thos. Smedley
Jesse Roberts

Isle of Wight County to wit

January Court 1817

Robert Gay, Alexander Gay, David Gay
Joshua Gay & Aurora Gay children of
Joshua Gay dec'd the two latter infants
of tender years by Miley Gay their Guar
dian & next friend

Compl'ts

against

In Chancery

Miley Gay Widow and Administratrix
of Joshua Gay dec'd.

Deft.

By consent of the parties by their Attorney and with
the assent of the Court this cause came on this day to be heard upon
the Bill, answer and exhibits and arguments of counsel where-
upon it is decreed ordained and adjudged that Henry W. Mills
Robert Jordan Thomas Smiley and Jesse Roberts or any two
of them do allot and set apart to Miley Gay widow and
relict of Joshua Gay dec'd one third part of the real and personal
Estate of the said Joshua Gay as her dower estate; that they then
proceed to divide and allot the remaining part of the real and
Personal estate equally between the Complainants, having regard
in their proceedings to the quality and quantity, provided however
that the Complainants in the bill mentioned shall if required
by the Defendant Administratrix of her deceased Husband,
and execute to the Administratrix refunding bonds &c & that they
make report thereof to the Court in order to a final decree

A Copy Test B. Lightfoot D.C.

Gay
vs
Gay