

1820-006

Chamney Causes: Mary Ann Byrd & al, by &c vs Isham Jordan & Henry Callcutte

Isle of Wight County

other surnames: Wilson,
Tazewell, Pretlow

Byrd 20 per cent

in 3/4 bill of exchange

Collected Jordan

~~and~~

Deem drawn

April 1819 Intestly deem

Feb. 10 20 rept. act. 4

deem accordingly

Attorney

will make any other or further decree in the premises, what
may comport with justice and good conscience for
in duty bound they will ever pray &c

Attorney for Comps

The joint and separate answers of John Jordan and Henry
Calcester to the bill of complaint exhibited against them in the
County Court of Albemarle, by Mary Ann Byrd, George James
Byrd and Charles M. Byrd infants of tender years being by George
Wilson their next friend. Their respondents now and at
all times hereafter saving to themselves all and every benefit
and advantage of exception to the impetration in the said bill
for answers thereto or to so much thereof as they are advised
it is material for them to answer unto, answer and say
that it is true the said Byrds the complainants in right
of their father Richard M. Byrd deceased are entitled to two
thirds of the said lands mentioned in the bill, that the said
John Jordan hath sold his one third thereof to the
respondent Calcester. they have no objection to the decree
prayed for or any other in the premises which shall seem
proper. and having answered they pray leave to be dismissed
with their reasonable costs in this behalf incurred.

Attorney for Respondents.

Henry Calcester

Mary Ann Byrd, George James Byrd and Charles M. Byrd
infants of tender years being by George Wilson their next friend, comps
against $\frac{2}{3}$ In Chancery

John Jordan & Henry Calcester defendants

By consent of parties and the assent of the Court, this
cause having been docketed, came on to be heard on the bill
answers filed and was argued by Counsel; on considera-
tion whereof the Court doth adjudge order and decree
that John Jordan; Wright Coffey & Dr. Holleran

with the aid of the County Surveyor ~~and~~ if necessary, so proceed
to allot ~~and set apart~~ to Henry Calcester the defendant in his bill
one third part of the lands held jointly by ~~the said~~ Richard
M. Byrd in his lifetime and John Jordan from whom Henry
Calcester hath purchased lying in the said County & the
land in the bill mentioned & allot the remaining $\frac{2}{3}$ to
the complainants. Make report thereof to the Court
in order to a final decree.

To the Most Honorable Court of May Wright County sitting in
chancery, humbly complaining, shew unto your honors your
orator and orators May Ann Byrd, George James Byrd, and
Charles W Byrd infants of tender years being ~~George James Byrd~~
their next friends; That a certain Richard W Byrd their father
in his lifetime ~~together with Lilliston W Byrd~~
purchased of Lilliston Waller Byrd and Thomas Jordan
deceased two thirds of a tract of land lying in the County
of May Wright, and which the said Lilliston W Byrd, Thomas
Jordan decd and Lilliston Jordan had previously purchased
of a certain Benjamin Pettom, for which tract of land,
the said Thomas Jordan wife and Lilliston W Byrd wife
have since the death of the said Richard W Byrd who died intestate
executed their deeds to your complainants conveying their
title to the same. whereby they became ~~as~~ entitled to $\frac{2}{3}$
of the said land. Your complainants are informed that
a certain Lilliston Jordan who at the death of their father
was seized of one third part of the said tract, has conveyed
the same to a certain Henry Callcott. Your orator
and orators are advised that it will be to their advantage
to have their part of the said land set apart to them and
that it cannot be effected without the aid of this Honorable
Court in which matter of this kind are ~~also~~ properly
cognizable. In order that justice be effected they pray that
~~the said Lilliston Jordan and Henry Callcott be made~~
~~defendants~~ to this bill and that they be compelled part true
and perfect answer to make to all and singular the
allegations aforesaid. that they say whether the said Jordan
did convey his part of the said land to the said Callcott
and what objection (if any) they have to a division of
the said land according to justice and Equity. They pray
that your honors will decree and order that one third
part of the said land be allotted and set apart to the
said Lilliston Jordan or the said Henry Callcott and the
remaining two thirds ~~be divided into three equal parts~~
~~that the said Lilliston Jordan be compelled to convey his part~~
~~to George James Byrd and the remaining two thirds to Charles Byrd~~
and that fit and proper commissioners be appointed to
carry the said decree into effect, and that your honors

In obedience to a decree of the Honourable Court of Chancery
County of Hancock annexed, We, the undersigned have proceeded
to carry the said decree into effect by laying off and setting
apart to Henry Catledge, one third of the Land mentioned
in said decree, amounting to One hundred and Sixty two
acres, and bounded as follows to wit, beginning at a small
pine a corner tree adjoining the Land of Samuel Noble and
thence a line of marked trees, North thirty Degrees West to
a pine a corner tree, thence a line of marked trees South
Sixty three degrees West, to the Mill Swamp thence down
the main run of said Swamp to the Land of the said
Samuel Noble and thence a line of marked trees to the
first station, which we consider to be equal, both as to
Quantity and Quality, and we allot the other two thirds
amounting to three hundred and twenty four acres, it being
the balance of the said tract of Land in the decree mentioned
to Mary Ann Byrd, George, James Byrd and Charles W.
Byrd orphans of Richard W Byrd, and to them jointly

Given under our hands this 7th day of July 1819—

Josiah Hallman

Joseph Covert

J. Hallman

Byrd }
17 } Interly Decree

Callisto Howard

7th Feby. 1820 rept. ret.
V decree accordingly

Islop Wright County April Court 1819

Mary Ann Byrd, George, James, Byrd, and
Charles W. Byrd infants of tender years
being by George Milow their next friends. . . } Comd. fells.
against } In Chancery
Isaac Jordan & Henry Callicote Defendants

By consent of parties and the assent of the court this cause
having been docketed, came on to be heard on the bill and
answers filed and was argued by counsel; on consideration
whereof the court doth advise order and decree that Josiah
Holliman Joseph Copher and William Holliman with
the aid of the county Surveyor if necessary, do proceed to
allot and set apart to Henry Callicote the defendant in this
bill decree, one third part of the land held jointly by Rich^d.
W. Byrd in his lifetime, and Isaac Jordan, from whom
Henry Callicote hath purchased. Lying in the said County
and the land in the bill mentioned, ^{having regard to quality and quantity} and allot the remain-
ing two thirds to the complainants - and make report
thereof to the court in order to a final decree —

Attest Teste David Dick D.C.