

1837-013 Chancery Causes: Richard Byrd & al, by & c vs Mrs. Virginia Byrd

Sale of Wright County

other surnames: KENNON,
Day, Wilson

To the Honorable the Judge of the Circuit-Supr.
court of Law and Chancery for the county of Isl of Wight

Humly complaining, Sheweth unto Your Honor, Your Orators
Richard Byrd and Virginia Byrd and Oratrix Emily Kenson
~~James H~~ Wilson their next friend: That their Uncle Charles
W Byrd of the county of Isl of Wight, departed this life on or
about the 10th day of June 1836 - having made his last will &
testament which is of Record in the Clerk's Office of the
county of Isl of Wight an office copy of which marked
A is hereto annexed, and prayed to be taken as a part of
this Bill; That the said Charles W Byrd left a large
real estate which he devised to his Nephew George Byrd,
Richard Byrd and Virginia Byrd - and to his Niece Emily
Kenson, The said George Byrd has since died, who was
at that time (say not more than eight years old) and not indebted
to any one at the time of his death, leaving a Mother named
Virginia Byrd, and two Brothers, Richard Byrd and Virginia
Byrd his heirs at Law, - That ^{the} Testator appointed Mrs H Day his
only Executor who took upon himself the burden and execution
thereof, all of which will more fully appear by an attested copy
of the said will, and of the probat thereof, hereto annexed, as
a part of this bill: Your Orators and Oratrix are in pos-
session of their proportion of their Uncle's estate devised to them, and
have made application in the most friendly manner to Mrs
Virginia Byrd - hereinafter called defendants, who has under various
pretences refused, and says that whilst she is willing to accommodate
Your Orators and Oratrix in relation to their interest she fears that
their infancy may interpose an objection at this time, but if it
should not she is contented. - In tender consideration whereof

and for as much as your Orator and Oratrix are without remedy
at law, and can only be relieved in this Honorable court where
Trustees are called to an account, and their estates of Intestates
substituted agreeably to an act of assembly in such case made &
provided - To the end therefore that the said defendant may
distinctly answer the foregoing allegations as completely as if the same
were again here repeated & the more particularly interrogated thereof -

And that by a decree of this Honorable court Commissioners may be
appointed to sell out to your Orator and Oratrix their proportions of
the real estate of their Uncle Charles W. Byrd agreeably to his last
will and testament - May it please Your Honor, that your Orator &
Oratrix may have all such other and further relief in the premises,
as may be agreeable to equity & justice - to award to them
process of Subpoena directed &c.

Widow their next friends
of the infant plaintiffs.

Wm. H. Day for the plaintiff

The Answer of Virginia Byrd to a Bill exhibited against
her in the Circuit Superior Court of Law and Chancery for the
county of Jefferson by Richard Byrd and others, by ~~her~~
Widow their next friends.

This Respondent now and at all times
hereafter, saving and reserving to herself, all benefit of exception, to the
allegations of the Bill of the plaintiff, for answer thereto, or to so
much thereof, as this Respondent is advised to answer, as material,
Answers and says, that so far as she is individually concerned in
the subject of the bill, she believes the material allegations thereof
to be true, and also that it is true that George Byrd died of
tender years, and not indebted to any one at the time of his
death - and that he left this Respondent and his two Brothers his
heirs at law - And this Respondent being anxious for the welfare of
the plaintiff will cheerfully submit to any decree that this
Honorable court may think proper to make in the premises -

Wherefore she prays hence to be dismissed with her reasonable
costs in this behalf expended, -

Signed - Virginia Byrd

Byrd & others }
 vs. . . . } Bice &
 Byrd — } Answer

October 8th 1835

inter 12. decree & cont. for
rept. —

February 1836

rept. ret. & filed within

May 6th 1837

final decree —

State ment
to wit

3

Byrd to Byrd &c

One quarter share Dismal
Swamp Land company stock valued at \$4500.
One thirteenth of a quarter share of do: 300
House and Lot in Smithfield No 35
called Shabby Hall 900

$\frac{1}{2}$ \$5700
\$2850

In order to make one half, the undersigned
have given to Emily Kennon, one half
of the quarter share, worth \$2250.
Also one eighth of a quarter share worth = 562.50
and to receive from Richard Byrd = 37.50

$\frac{1}{2}$ of the whole estate = \$2850.

To Richard Byrd, we have given
Shabby Hall, or lot No. 35 \$900
and one eighth of a quarter share
in the Dismal swamp land company stock worth 562.50
and he is to pay the sums mentioned to $\frac{1}{2}$
To Emily Kennon Virginia Byrd & em v. Byrd. $\frac{1}{2}$ 1462.50 equal to $\frac{1}{2}$ & $\frac{1}{9}$
of a moiety

To Virginia Byrd, we have given
one fourth of a quarter share in the
Dismal swamp land company stock worth \$11.25
and to receive from Richard Byrd 141.66 $\frac{2}{3}$
This is $\frac{1}{3}$ and $\frac{1}{9}$ of a moiety - \$1266.66 $\frac{2}{3}$

And to Mrs Virginia Byrd, one
thirteenth of a quarter share in the
Dismal swamp land company stock worth \$300.
and to receive from Richard Byrd 16.66 $\frac{2}{3}$
\$2850.00
1266.66 $\frac{2}{3}$ 3 all of which is respectfully
1266.66 $\frac{2}{3}$ 3 submitted to the judge of the
316.66 $\frac{2}{3}$ 3 circuit court of the land & survey
\$5700.00 for the bounty of Sept Jan 24. 1837.

Signed
Arch^d. Atkinson

Wm. Hinkle

Robt. Butler

Commissioners

Received

of the

Byrd & Co.

in $\frac{2}{3}$ Report
Byrd

To the Judge of
the Circuit Supr.
at Law Hbry.

Edw Wright

Richard Byrd, Virginus Byrd
and Emily Kinnon by James
R Wilson their next friend
Plaintiffs

Against
Virginia Byrd defendant

In Chancery

This day this cause came on to be heard ^{by consent,} on the
bill answer and exhibits filed, and was argued by counsel, on
consideration whereof the Court doth approve order and
decree that Archibald Atherston Robert Butler, Bartholomew
Lightfoot and Miss Womble or any three of them, do divide
into two equal Movables the real estate of E. M. Byrd deceased
consisting of diurnal swamp stock and one house & lot in
the town of Smithfield - That they divide one movable, between
Richard Byrd, Virginus Byrd and the defendant Virginia
Byrd in the following manner, that is to say, one third and
one ninth to Richard Byrd, and one third and one ninth
to Virginus Byrd and one ninth to the defendant Virginia
Byrd - And the other Movable to be sold by the Executor
under the will of the testator - And the Court doth further
order and decree that the commissioners make report to the
court, in order to a final decree -

Byrd and others
vs
Byrd } born

Byrd vs Byrd $\frac{3}{3}$ In Chancery -

A certain partition between the parties being made and returned pursuant to a decree of this court made on the day of October 1836 - as ^{well} appears by the report of the commissioners ^{filed in this cause}; On consideration whereof It is decreed and ordered - that the said partition in manner and form aforesaid made be held firm and stable forever, And that the plaintiff Richard Byrd pay to Emily Kennon or her legally qualified ^{guardian} thirty seven dollars and fifty cents; the Virginia Byrd one hundred and forty one dollars 66 $\frac{2}{3}$ cts and to the defendant Virginia Byrd sixteen dollars 66 $\frac{2}{3}$ - and that the costs be mutually borne by the parties - Liberty is reserved to the infant defendants to show cause if any they can in one year after they shall have arrived to twenty one years of age -

Byrd & Co
 Byrd & Co } Final Debit

(Entire)

[The right page of the ledger contains dense, handwritten entries in cursive script, organized in columns. The text is largely illegible due to the handwriting and fading, but appears to be a detailed financial record.]

I Charles W. Byrd of the county of Loudon and state of Virginia do hereby make my last will and Testament in manner & form following - 1st I desire that all my just debts and funeral expences be paid. 2nd I desire that all my estate both real and personal be divided into two equal parts; one half of which I give to George Byrd, Richard Byrd and Virginus Byrd infant sons of my deceased Brother George Byrd, to them and their heirs forever - The other half of my estate I give to the child or children of my sister Mary Ann Kennon who may be living at her death - the said moiety of my estate given to the children of my sister I wish to be kept in the possession and under the control of my executor hereafter named, until the death of my sister Mary Ann Kennon and the profits to be applied by him towards their support and education - 3^d I do hereby constitute and appoint Henry Day executor of this my last will and Testament, revoking all other or former wills by me heretofore made - In witness whereof I have hereunto set my hand, and affixed my seal this 9th day of December eighteen hundred & thirty five -

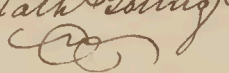
C. W. Byrd



Signed, sealed, published & declared by Charles Byrd as for his last will & Testament, in the presence & hearing of us, who at his request and in his presence have subscribed our names as witnesses.

George Wilson At a court held for Loudon County the 4th day
Rich^d. F. Wilson of July 1830 The last will of Charles W. Byrd and
Shemuel Gooswin of which the above is a true copy, was presented in
Court by Wm. H. Day the executor named in the said will, and the same being proved by the oath of Richard F. Wilson & Shemuel Gooswin two of the witnesses thereto was ordered to be recorded.

Teste

Nathl Henry C. J. W. C.


Charles W. Byrds, Will
a copy for W. H. Day

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