1797-009 Chancery Causes: Wilson Whitfield & ux vs Mary Young's admr

Isle of Wight County

other surnames: Jones, Hodges, Harwood, Williams, Pulley, Miller

To the Worshipfull justices of Isle of Wight County
in chancery sitting. Humbly complaining Shew
unto your Worps your orator & oratrix Wilson
Whitfields & Frances his wife of the County aforesaid

That a Certain Mary young late of the
County of Warwick, was at the time of her decease
possessed of a Considerable personal estate, consist-
ing of Stock of all kinds, Household & Kitchen
furniture, Plantation utensils and outstanding
debts. of the value at least of £250. departed this
life intestate on or about the day of March
1793. leaving Six children to wit. your orator
Frances, John young, Robt, Samuel, Richard &
Elizabeth, now the wife of a Certain John Innes.
That administration of the said Marys estate
was granted to the said Richard young who
duly qualified according to law. and possessed
himself of all the said intestates estate, and
now refuses to pay to your orator and oratrix

this just proportion thereof.

In Consequence of which your orator and oratrix are driven to this Tribunal for relief, the matter being Cognizable only in a Court of Chancery.

To the end therefore that the said Richard may the administrator aforesaid who your Complainants pray may be made defendant to this bill of Complaint may upon his corporal oath, full true and perfect answer make to all and singular the allegations herein contained and that as fully as if the same were herein again repeated & interrogated, but especially that he set forth and discover, the full value of his said intestates estate, what it was appraised at, & what it sold for, what debts he has paid for his said intestate & to whom;

And that your Worship will decree that the said Richard pay to your orator and oratrix one sixth part of the said intestates estate, which they are entitled to under the laws respecting distribution of intestates estates, . and legal interest thereon as well as the Cost of Suit, and make any other or further order or decree for the relief of your orator and oratrix in the premises as may be Consistent with equity & your Conscience May it please &c

Yours &c for Compt

Whitfield dux:
v
Youngs. ad. } Bill

(Dem)

Whitfields Exrs
vs. } Bill
Youngs admrs

May 27
Dismd. Defts. recover Cts
Cts. (re Summates)

The answer of Richard Young administrator &c. of Mary Young dec'd. Defd, to the bill of complaint exhibited against him in this Court by Wilson Whitfield & Frances his wife, Complts.

The Defendant, saving to himself every benefit of exception to the bill of the Complainants, answers thereto as follows — The Complainants are correct in stating that the Mary Young died intestate & that the administration of her personal estate has been committed to the Defendant. But in other parts of their bill they have fallen into mistakes — They have also omitted many material facts. Instead of the Decedents leaving only 6 persons intitled to distributary parts of her personal estate, she left the following — a daughter Mary, the wife of John Hodge, several grandchildren descended from her deceased daughter McKinah, the wife of Thomas Harwood deceased, & a granddaughter Patsy Williams, a daughter of her deceased son James Williams — These children she had by her first husband James Williams the elder, deceased — She left also the Complainant Frances, five sons John, Robert, Edward, Richard, & Samuel, a daughter Elizabeth, the wife of John Jones, & a grandson John Pulley, a son of her deceased daughter Anne, the wife of Robert Pulley — These children were by her second husband John Young, the elder, deceased.

So that the Complainant Frances Mary is intitled to only 1/11 of the personal estate of the deceased Mary Young, instead of 1/6.

The Complainants have also omitted to mention that the deceased Mary Young was executrix &c. of her husband John Young, & in that character, sometime anterior to a settlement of the affairs of her Testator, made advancements to the Complainant Frances Mary this' the medium of her former husband Robert Miller to the amount of about £28. 0. 3 which it was then presumed would not exceed what she was intitled to from the estate of her father, — but upon closing the affairs of the decedant John Young by a general settlement it appeared that these advancements over-went the proportion of the Compl't Frances by £9. 4. 8 or thereabouts. — For this excess then the Complainant Frances Mary stands as a Debtor to her Mother Mary with interest thereon from October 1767, the period of the last payment, — & this will more than balance her distributary part of her mother's personal estate in the hands of the Defendant.

But if the Court should think that this sum of £9. 4. 8 stands as a debt against Robert Miller, — then the Defendant has to observe, that the Complainant Frances Mary is administratrix &c. of this W.m Miller, & having received effects more than adequate to the payment of all his debts, is consequently liable for the payment of this demand, & the Defendant is the proper person to receive it. So that taking the case either way, there must be a discount so far as it can be made.

From a statement made by the Defendant upon this subject it seems that the Complainants will have to pay to the Defendant about £5. with interest, after making the discount aforementioned & every other deduction to which they are intitled.

The Defendant has not yet been able finally to close his administration — nor will circumstances permit him to do it immediately, but from authentic documents such as the inventory & appraisment of his Intestate's estate, the sales thereof, Vouchers for disbursements &c &c he flatters himself with being able to shew to the satisfaction of this Court, if not to that of the Complainants, the correctness of his statement & assertions upon this subject.

And finally the Defendant, denying so much of the bill of the Complainants' as he has not already answered admitted or denied, prays that he may

be hence dismissed with costs &c.

Richd Young adm^r

Ment M. Robinson
for the Defts.

Young admr &c.
adv.
Whitfield & Others

Isle of Wight County, to wit,

This day Richard Young made oath before me a Justice of the peace for the County aforesaid, the foregoing Answer contains the truth so far as he knows & believes — Given under my hand this 3^d of ~~April~~ May 1796.

Geo Purdie

The Commonwealth of Virginia to the Sheriff of Isle of Wight County Greeting You are hereby Commanded to Summon Richard Young Junr. of Mary Young dec'd. to appear before our Justices of our Court of our said County at the Court house on the first Monday in May next Then & there to Answer a Bill in Chancery exhibited against him by Wilson Whitfield & [illegible] and further to do & receive what to Court shall Seem meet. Witness James Young Clerk of our said Court at the Court house the 8th Day of March 1795. In the 19th Year of the Commonwealth

J. Young C.

Matthew Turpe

vs.

Spratley

Wm Ives Admr

Executed Bye ——
James L Beal. Dpty

June 1795.
Appear[ce] for Defft
October 1795.
Bill filed
May 1796
Ans[r] filed &c.
June 1796.
Repl[n] & issue
Comm[n] awarded

Isle of Wight County Sc.

THE Commonwealth of Virginia to the sheriff of Warwick County greeting: We command you to summon Robert Pully

to appear before our Justices of our County Court of Isle of Wight at the courthouse, on the 3d day of May[illegible] next to testify and the truth to say in behalf of Wilson Whitfield and Frances his wife in a certain matter of controversy, in our said Court, before our said Justices depending, and undetermined between ~~the~~ said Wilson Whitfield and Frances his wife ~~Administratrix~~ Executrix of Robert Miller dec'd. pltfs. and Richard Young Admr. v. Mary Young dec'd. defendant

And this he shall in no wise omit, under the penalty of 100l. And have then there this writ. Witness, James Young Clerk of our said court, at the courthouse, the 8th. day of April 179[illegible]. in the 21st year of the Commonwealth.

J. Young

Millers exor:

To: } 1 p.c

Younger Admor:

To the 3d Day of May
Term 1797.

(To Warwick)

Executed April
22nd 1797
W Biggs Sheriff

(ex.)