

1799-002

Chancery Causes: John Boykin & al, by & c. vs Robert Marshall, the Younger's admr & al

Isle of Wight County

other surnames: Jordan

To the Justices of the Peace of Wight County,

Sitting in Chancery —

John Baylein, Francis

Baylein, the younger, & Nancy Baylein, infants under the age of 21 years,
by Francis Baylein, the elder, their father & next friend, pleasant Lordam,
Thomas Lordam, the younger, & Robert Lordam, complaining, shew —
That Robert Marshall, the elder, of this County, being possessed of a large
estate in slaves & other personal property, died intestate on the
day of January 1794, leaving a Widow, Martha Marshall, & but one
child, Robert Marshall, — & that the administration of his personal
estate has been committed to Martha Marshall, the Widow, who, under
that authority, has taken into her hands all the slaves & personal property
of the Intestate, consisting of jointly seven — slaves under the
names of, Old Tome, Peter, Ned, Symon, Young Tome, Jack, Frank, Joe, Isham,
Bob, Jacob, Sam, Gibson, Willis, Dick, Little Joe, London, Aberdeen, Harris-
on, ~~Yellow Dick~~, Aaron, Yellow Dick, Hagar, Judith, Patt, Amy,
Lucy, Ben. Fann, Fanny, Tall, Lilley, Esther, Nancy, Denah, Ezbell,
Temple, Anne, Cloe, Peggy, Rose, Hannah, Tracy, Kate, Charlotte,
Violet, Mourning & Jane —

— & a great variety of other property, to wit, horses, cattle, sheep, hogs,
Indian corn, wheat, peas, fodder, cyder, brandy, plantation implement,
furniture, pork, bacon, land, debts, & many other things, to the
value of £ of current money.

The Complainants farther shew, — that on the
day of in the year 1795, Robert Marshall, the son, being
about two — years of age, also died intestate, in this County,
— & that the administration of his personal estate has been granted
to William Lordam, of this County, who has lately intermarried with the
Widow of Robert Marshall, the father. — That Robert Marshall, the
son, died ^{in his infancy, as aforesaid,} without issue, or indeed without ever having been married. —
That his father had no brother, & only one sister, Nancy Marshall, ^{who died many years ago; but}
in her lifetime, had. — who ^{first} intermarried with Hazeckiah Lordam, of this County, by whom she
had three children, the Complainants pleasant, Thomas, & Robert, — &
afterwards, ^{after his death} with the said Francis Baylein, the elder, by whom she
had the other Complainants, Francis, & Nancy — And

finally, that the Complainants, conceiving themselves entitled to the whole estate of Robert Marshall, the son, personal as well as real, ^{as afore-mentioned} derived from his father, as the next of kin on the paternal side, have often requested the administrators Martha, & the administrator William, to close their administrations by a full & fair settlement of their accounts in that relation, & thereupon to render to the Complainants what the law gives them of the afore-mentioned slaves & personal property: — But the said William & Martha, having lately intermarried, & finding it much to their interest to retain the whole thereof in their hands, have, in confederacy, hitherto constantly refused & still refuse to come to a settlement upon this subject with the Complainants, or to render to them any part of the said slaves & personal estate; altho' they have long since paid, or provided for the payment of all the debts of their Intestates, & the disbursements of their respective administrations thereout, leaving the whole of the slaves, & the greater part of the other personal estate to be applied in distribution as the law directs, — & altho' they well know, that the Complainants, as the next of kin in the paternal line to Robert Marshall, the son, are entitled to the whole of the said slaves, except an estate for life given by the law to the said Martha as the widow of Robert Marshall, the father, in $\frac{1}{3}$ thereof, & to the whole of the other personal estate remaining in their hands as aforesaid, except $\frac{1}{3}$ thereof, which the said Martha is, in the same right, entitled to absolutely.

— Wherefore and for as much as the Complainants are only & properly relievable in a Court of Chancery — & in order that the said William Jordan administrator *de* of Robert Marshall, the son, & his wife Martha administrator *de* of Robert Marshall, the father, may, upon their oaths, true & perfect answers make to this bill & each of its allegations — that they may be compelled to render to this Court full & just accounts of the estate of their Intestates, that has come to their hands to be administered, & of their respective administrations — that the Complainants may obtain their respective rights in the slaves & personal estate which Robert Marshall, the son, derived as aforesaid from his father — & that they may have such other & farther

relief upon this subject as may be proper — They call for a writ of Subpoena requiring the said William Jordan administrator *de* of Robert Marshall, the son, ~~the~~ & the said Martha, now Martha Jordan, his wife, administrators *de* of Robert Marshall, the father, to appear before this Court & answer this bill.

Robinsons — for the
Compls.



Wm. G. Hall (or similar)
Sept 25

Nov 2 48

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The answer of William Linsden and Martha
his wife defendants, to the bill of Complaint of
John Baykin, Francis Baykin the younger & Nancy
Baykin infants, by Francis Baykin the elder their
father & next friends, Pleasant Linsden, Thomas
Linsden and Robert Linsden Complainants, exhibit-
ed against them in the Court of Isle of Wight.

These defendants saving & reserving to them-
selves, all manner of exception to the uncertainties
and imperfections in the Complainants said bill of
Complaint contained, for answer thereto, or to so
much thereof, as these defendants are advised is
material for them to make answer unto, they answer-
ing say. That it is true that Robert Marshall
the elder died intestate on the 12th day of January
1794. Seized & possessed of a considerable real and
personal estate leaving his defendant Martha
his widow, and one child only, an infant by
the name of Robert, which infant departed this
life on or about the 22^d day of March 1795. being
a little above the age of two years, It is also
true that his defendant Martha administered
upon the estate of Robert Marshall the elder and
that the defendant William after his intermarriage

with the said Martha, took out letters of administration on the estate of Robert Marshall the younger — These defendants also admit, that Robert Marshall the elder, had no brother, and only one sister that has left issue, and that the Complainants are the children of the said sister as the Complainants in their bill have stated, but altho these facts are rightly set forth in the said bill of Complaint, and that the Complainants are next of kin to the deceased infant, this defendant Martha excepted, who was his mother, yet they conceive and are advised that they are entitled to one third of the landed estate for life as of the said Martha, dowry, of Robert Marshall the elder her deceased husband, and that they are entitled to all the Slaves and other personal estate, of the said Robert the younger under the act of the General Assembly in this case made and provided, These defendants conceive it to be unnecessary to tender accounts of their transactions at this period, that if the Court should decree against them, they will appeal Commissions

for the purpose, before whom they will render a full and true account of their doings & doings as also of all the Slaves & other personal property appertaining to the two estates, they deny all Combination, Fraud & Conspiracy so unjustly charged against them, and pray to be honorably dismissed with their reasonable Costs in this behalf so unavailingly sustained &c

Yarborough for Def^s

Nottingham County Va. viz.

The foregoing answer was duly
Served before me the 19th day of
October 1777. Robert M. Riddick

Indon. Soc.
to } Answer
Beyhndal

March 1798.

Answer filed H.

The names of the Slaves are
copied from the Inv. Libalem

H. M. Jordan

1811