

1804-031

Chancery Causes: William Jordan & lx val vs Francis Boykin, admr of James Watson val

Isle of Wight County

Other Surnames: Marshall

He and, with Robert Marshall, administrators of the estates of James
Watson the elder & William Watson his son? To what amount were
these estates sold for, & what was the amount of bonds & accounts due to
these estates? Where is the original account of sales, and who were
the purchasers? Were any of the bonds taken at the sales given up paid
to Robert Marshall, and whose bonds were given to him? Have
you any receipts for money paid to Robert Marshall on account of
these estates, when was it paid, & to what amount? Did you not
settle with James Watson the younger agreeably to the amount he was
owed, and was not him & your estate equally interested in the
personal property? And that your wife's will shows that
the said Francis pay to your Complacants, the balance that may
appear to be due from him to the estates of James & William Watson
from the accounts that he may bring forward fairly & justly stated,
and if he fails to bring forward full, fair & clear accounts of his
transactions for the said estates, that a decree be then entered
against him for £ being the moiety of the said estates
which he paid to James Watson the younger, and interest thereon
from the date of their settlement to Costs, and make any other
or further order or decree in the premises for your Complaint
Relief as may be agreeable.

May it please the

R. Garrow for Complacants

For and due
to
Pay for
Bills

[200]

was the acting administrator in both these estates, as a
substantial proof thereof, your orator & oratrix begs leave to
submit to the Settlement made between the Said Francis &
James Watson the surviving brother a copy of which is hereto
annexed bearing date the day of and by which
it appears that the Said Francis had in his hands and did
pay him the sum of £ as his moiety of the said
estates, the other moiety thereof belonging entirely to your
oratrix. Your Complainants further shew to your tops
that altho the estates of James Watson the elder & William
Watson his son were very considerable, yet there never was
returned to Court any account thereof, except the appraisement
of James Watson the elder estate, which exclusive of the
debts amounteth to about £420, and no account of the
debts due the said estates which your Complainants always
understood was very considerable. Your oratrix begs
leave here to suggest, that her former husband Robert
Marshall (who departed this life about the day of
179) frequently complained that the said Francis had gotten
these estates aforesaid in his hands, and never would come
to a settlement, or make him any payment of that part
thereof to which he was then entitled; and that this is fully
convincing that no settlement or payment of the said estates
or any part thereof was ever made to him, and that he never
retained any part thereof in his hands for the purposes a-
foresaid, so that the same having never been reduced to the
possession of the said Robert during the marriage, does now

survive to your oratrix, and is justly due to your Complainants
the having since intermarried with the Complainant William Jordan
Your Complainants now call upon the said Francis Baykin
the surviving administrator to render an account of his transactions
in these two estates, shewing clearly the amount of sales the amo-
of debts due the estates by bonds & otherwise, and how it has
been appropriated, which if he refuses to do, will authorize
as your Complainants conceive, the same to be James Watson
the younger as for his moiety, to be the standard to govern
your Complainants claim, and this ought the more to be
regarded from its having been made at an early period,
and with a person who was acquainted with the Circumstan-
ces of the estates, and with one who well understood accounts;
greater force and energy, ought also to be given to this Bill
-ment from the Circumstances of Francis Baykin the Guardian
having in open violation of the law, failed to return to Court
an inventory of your oratrix's estates, or any accounts of
his guardianship. The appraisement & will of James Watson the
elder & Francis Baykin Guardian bond are referred to as part
of this bill of Complaint.

In Under Consideration whereof; and for as much as your
orator & oratrix are without remedy at the Common Law, and only
and properly redressable in a Court of Chancery. To the end
therefore that the said Francis Baykin, the above aforesaid who
your Complainant prays may be made dependant to this bill of
Complaint may upon his corporal oath full, true and perfect answer
make to all and singular the allegations in this bill contained, and
that as certainly as if the same were again herein repeated & integra-
-ted, but more especially that he do forth & discover, Was

96 the Worsheippell Court of Isle of Wight county sitting
in chancery humbly Complaining them to the Court your
orator ^{for} William Jordan & Martha his wife, formerly
Martha Watson daughter of James Watson the elder
deceased, and afterwards intermarried with a Captain
Robert Marshall who is also deceased.

That your orator while she was an infant of
tender years made choice of a Captain Francis Baykin
to be her Guardian, who accordingly undertook the
office and gave bond & security in the Court of Isle of
Wight according to Law. The said Francis with Robert
Marshall, were the administrators of James Watson your
orator's father, and with the said Robert your orator
died afterwards intermarry. The said James Watson
your orator's father left you besides your orator two
Sons, to wit William Watson, & James Watson, & by his
will to which your Complainants refer, your orator &
her two brothers were pretty equally interested in their
father's personal estate. Your Complainants further
state: that not long after the death of James Watson the
elder, William Watson his Son died intestate, & adminis-
tration of his estate was also committed to the said Francis
& the said Robert, which estate your orator & her surviving
brother James were equally entitled. your Comps^{ts}
further shew to your worship: that the said Francis Baykin

Excutio Sam. in Woodley off
For 1804 Suffolk. 3rd

London. 11th 1801

as.

Boyskin

Spec. in the

March 1801

Bill filed & ruled to

Ans?

July 1801

Bill taken as conf?

June 1801

Dismiss?

THE Commonwealth of VIRGINIA to the sheriff of *Isle of Wight* county, greeting.
We command you, that you summon *Francis Boykin*

to appear before our Justices of our county court of *Isle of Wight* at their courthouse
of said county, on the *first monday in March* next, then and there
to answer a bill in Chancery against *him* exhibited by *William Jordan*
and Martha his wife

And this *he* shall in no wise omit, under the penalty of 100l. And have then
there also this writ, WITNESS *James Young* clerk of our
said court, the *25th* day of *November* 1799. and in the
24th year of the commonwealth.

J. Young