

No. 2

6th Circuit Court, United States District of Georgia, December Term 1823

John Armstrong, Exec. of William Jones

vs.

IN EQUITY

c/1 FRC 102298

Henrietta G. Almy & other Defendants

Bill filed July 5th 1823

G. Glen Clk.

*Davies & Bernier (law firm in So. in the Bay)*  
~~Davies & Bernier (can't make out)~~

United States District of Georgia

To the honorable the Justices of the Sixth Circuit Court of the United States for the Georgia District.

Between John Armstrong Surviving Executor of the last will and testament of William Jones late of the Bahama Islands, deceased complainant - And Henrietta G. Almy and Mary Lloyd neices of Henrietta B. Jones widow of the said William Jones deceased and Henry McNish and John McNish Children of Mary McNish deceased also a niece of the said Henrietta B. Jones and Thomas A. Morel, John Morel and Nathaniel G. Rutherford and Ann - his wife which Thomas a. and Ann - are the children of John Morel the elder deceased who was a nephew of the said Henrietta B. Jones, and Anthony Barclay and Ann his wife, which Ann is a daughter of John B. Waldburger deceased who was also a nephew of the said Henrietta B. Jones and Ann Morel the widow of Peter H. Morel deceased who was a nephew of the said William Jones and John H. Morel, William Morel, Harriet Morel and James S. Morel children of the said Peter H. Morel which Harriet and James S. are minors under the age of 21 years, and David F. Bourquin a nephew of the blood of the said Henrietta B. Jones Defendants.

Humbly complaining sheweth unto your Honor your Orator John Armstrong surviving Executor of the last will and Testament of William Jones departed this life in the year one thousand seven hundred and ninety nine first having made and duly executed his last will and Testament and thereby appointed your Orator and one Stephen Haven since deceased Executors thereof, and thereby devised amongst other things to the nearest relatives of his deceased wife Henrietta Bourquin Jones formerly Henrietta Bourquin the daughter of Henry Bourquin deceased the sum of eight hundred and twenty pounds sterling money of Great Britain and a certain Bond of one Jacob Waldburger deceased for the sum of three hundred pounds sterling exclusive of interest to be equally divided between them on condition however that the persons so entitled should produce to his Executors a release and discharge from the assignees of one John Neufville late of Charleston in the State of South Carolina deceased of a certain Bond made by the said Henry Bourquin deceased to the said John Neufville - That your Orator and the said Stephen Haven in his life time duly proved the said Will and took upon themselves the burden of the administration thereof - That soon after the death of the said Testator the said Stephen Haven to whom was confided the principal management of the Estate

gave notice in the public Gazette printed in the Bahama Islands and in one or more of the public Gazettes printed in the City of Savannah and by other means of the said bequest and the conditions on which the same was payable and called on all persons interested in or entitled thereto to come forward with proper evidence of their right and claim to the said bequests and receive the same - That some applications were made to your Orator and the said Stephen Haven by persons claiming to be entitled to the said bequest, but upon examination it was found that the evidence offered by the said applicants was not sufficient to support their claims to the same, inasmuch as they did not prove that they were the only nearest relatives of the said Henrietta Bourquin Jones nor did they produce a release or discharge of the said Bond of the said Henry Bourquin to the said John Neufville and your Orator further sheweth to your Honor that the said Bond of the said Jacob Waldburger mentioned in the will of the said William Jones has never yet been paid - That it was a Bond made payable to the said Henrietta B. Jones and was as your Orator is informed and believing left by her in the hands or possession of some one of his relatives in the State of Georgia, and the same has never come to the hands or possession of your Orator. The said sum of eight hundred twenty pounds soon after the death of the said William Jones was set apart by the said Stephen Haven and remained under his control in the hands of Bair and Webster of Nassau, New Providence until the time of his death in the year Eighteen hundred and seven ~~the said sum~~ - That in the year Eighteen hundred and seven the said sum was transferred to the credit of your Orator by the said Bair and Webster by the direction of the Representative of the said Stephen Haven and so remained until the year Eighteen hundred and fifteen when it was transferred to Messrs. Robertson & Ridsby of Nassau in whose hands it remained for a long time until your Orator directed that it should be remitted to an agent of your Orator in New York with instructions to invest the same in three percent Stock of the United States, but whether this has yet been done or not your Orator is not informed... receive or charge any interest thereof and your Orator... that he has never received a cent thereof during the time it remained under his control. And your Orator further sheweth unto your Honor that since the death of the said Stephen Haven he has been desirous and anxious to pay the said bequest to the purpose to whom it of right belongs and for that purpose he has made or caused to be made through his agents repeated applications to such persons as he believed have a claim to a part thereof and as requested that they would ascertain to whom it ought to be paid and that they would comply with the condition annexed to the said bequest and receive the amount, and give your Orator a discharge therefor, but these requests of your Orator have never been complied with. And your Orator from the best information which he has been able to obtain believing that the said Henrietta G. Almy, Mary Lloyd, Henry McNish and John McNish, Thomas N. Morel, John Morel,          Ratherford, Ann Barclay, Ann Morel, John H. Morel, William Morel, Harriet Morel, James S. Morel, and David F. Bourquin are some of the nearest relatives now living of the said Henrietta B. Jones, but he has also been informed and believes that there are other persons standing in the same degree of consanguinity to her, but whose names are unknown to your Orator - And your Orator well hoped that after the notices given and applications made the several parties entitled would before this time have come forward and established their claims and produced a release and discharge of the said Bond of the said John Neufville so that your Orator might have paid the said Bequest and have obtained a release and discharge therefor. But as it is that the persons who have claimed the said bequest have not produced satisfactory evidence to show who were the nearest relatives of the said Henrietta B. Jones or produced any release for, or

evidence of the payment of the said Bond to the Assignees of the said John Neufville; whereby your Orator is prevented from bringing the affairs of the Estate of his said Testator to be done, and having a final settlement with the heirs thereof as is desirous to do, in as much as your Orator cannot with safety to himself pay over the said sum of money, without the sanction and direction of this Honorable Court for his indemnity. - Therefore that the paying to whom the said bequest ought of right to be paid may be ascertained and declared by and under the decree of this honorable Court, and that thereafter the claims of all other persons may be barred, and that an account may be taken of the amount in your Orator, having subject to the said bequest of the said Testator, which amount your Orator is ready and willing to come to in such measure as this Honorable Court may direct and upon being allowed the costs and expenses of this proceeding and that your Orator may have further and other relief in the premises as may be agreeable to Equity and Justice, may it please your Honor to grant to your Orator a Writ of Subpoena to be directed to the said several Defendants before named requiring them under a certain penalty therein named to appear before the sixth Circuit Court of the United States for the District of Georgia at Savannah on the fourteenth day of December next then and there to answer the premises and to stand to and abide such order and other things as shall be agreeable to Equity and good conscience and that by this rule or order of the Honorable Court all other persons having or pretending to have any right or interest in or to the said bequest may be required .....in such manner or in such form as this honorable Court may direct. And your Orator avers that he is a subject of the King of the United Kingdom of Great Britain and Ireland and that the said Defendants are citizens of the United States and of the State of Georgia.

*Davies & Berniers*  
~~Davies & Berniers (P)~~  
Compts Sols.