

1872-31

Southampton County Chancery

Vick, William H. vs Holmes, James (admin)

An accounting of trust fund
and collecting remainder -

Gillette, James A.

Vick, John W.

Judkins, James H.

112 77 95 84 68

Vick

to 3 Papers

Holmes &

1872 May

Vick
 vs 3 Bill
 exhibited
 Holmes is also

1869 August Rules

To the Honorable E. P. Pills Judge of the
Circuit Court of Southampton County
in chancery sitting

Humbly complaining your orator William
B. Vick sheweth unto your Honor that
in the year 1859 James Holmes qualifies
as his guardian and also of his brother
Jno M Vick (now dead) in the county
court of Southampton executing a bond in
the sum of \$1000 with James B. Andrews
and James A. Gillette as his securities as
will more fully appear by a certified copy
of the said bond herewith filed marked
A and prayed to be taken as a part of this
bill, That James A. Gillette is dead and
James Holmes qualifies as his administrator
de bonis non, and has also qualified as
administrator of John M Vick dead as
will appear more fully by certified copies
of his letters testamentary herewith filed
marked exhibits B and C herewith filed
and prayed to be taken as parts of
this bill.

Your Orator sheweth further that
his guardian James Holmes has
settled several guardians accounts and
by the last account he shows a balance
due your orator of \$1255.54 with
interest thence from the 1st of Feb'y
1869 as will more fully appear by a

certified copy of the said account ⁱⁿ with
file marked ID and prayed to be taken
as a part of this bill

Your Orator states further that he has
account of age and has frequently
applied to his guardian for the payment
of the balance due him by his said
account and his guardian instead of
paying him money offers him
worthless bonds in lieu thereof and
your orator finds himself reluctantly
bound to resort to this court for relief.
In such consideration whereof and
inasmuch as your orator is without relief
at law and only entitled to relief in a court
of equity where such matters are peculiarly
cognizable he therefore prays that James
Holmes in his own right and as administrator
of James A. Gillette and John M. Vick and
James B. Jenkins may be made parties
defendant to this bill that the court
would compel them as full and perfect
answer make to the allegations therein
contained as if they had been themselves
more fully and specially interrogated
that the court would direct all proper
accounts to be taken and deem that
James B. Holmes pay to your orator
whatsoever sums of money may be
found due on the settlement of his
account, and that the court would

grant such other and general relief
the premises considered as equity may
dictate and the nature of his case
may require and as in duty bound
your orator will ever pray &c
Shanley.

A. B. C

Vick

2.

Exhbt^s. with bill

Holmes

A

Know all men by these presents that we James Holmes, Jas. A. Judkins & James A. Gillette are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of six thousand dollars, current money of Virginia, to the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally firmly by these presents - Sealed with our seals and dated this 19th day of December A D 1859.

The Condition of the above obligation is such, that if the above bound James Holmes as guardian of Wm. H. & John M. Vick orphans of James Vick dec^d. shall faithfully discharge the duties of his said Office or trust, according to law, then the above obligation to be void or else to remain in full force and virtue.

Signed, sealed and delivered
in the presence of the Court }

James Holmes (Seal)
J. St. Judkins (Seal)
James A. Gillette (Seal)
(Seal)

At a Court held for the County of Southampton on the 19th day of December 1859.

The Court doth assign James Holmes guardian of Wm. H. & John M. Vick orphans of James Vick dec^d. whereupon he together with James A. Judkins & James A. Gillette his securities (who justified on oath as to their sufficiency) entered into and acknowledged a bond in the penalty of six thousand dollars conditioned according to law -

Copied Teste.

L. R. Edwards lb

A Copy

Teste,

L. R. Edwards lb
July 29 1869.

(B)

At a Court held for the County of Southampton on the 21st day of April
1862.

On the motion of James Holmes who made oath and together with George W
Vick & Jeph B. Vick his securities (who justified on oath as to their sufficiency) entered
into and acknowledged a bond in the penalty of two thousand dollars, conditioned
as the law directs, Certificate is granted him for obtaining letters of administration
on the estate of John W. Vick dec^d. in due form.

At Copy

Teste L. R. Edwards D. C.

(C)

At a Court held for the County of Southampton on the 21st day of December
1863.

On the motion of James Holmes who made oath and together with
Gudron Lawrence and Bartholomew Bowers his securities (who justified on oath as to
their sufficiency) entered into and acknowledged a bond in the penalty of eight thousand
dollars conditioned according to law, Certificate is granted him for obtaining letters of
administration on the estate of James E. Gillette dec^d. unadministered by Joseph E
Gillette the former administrator.

At Copy

Teste L. R. Edwards D. C.

The answer of James Holmes, in his own right and as administrator of James A. Gillette decd. & as administrator of John M. Vick decd. to a Bill in Chancery exhibited against him &c. in the Circuit Court of Southampton by Wm H. Vick.

This Respondent, says that it is true he qualified as the guardian of said Wm H. Vick and of John M. Vick, and as administrator of James A. Gillette and as administrator of said John M. Vick as charged in the said Bill and that he returned his guardian account of said Wm H. Vick as stated -

This Respondent says that the Balance in his hands as due to Mrs. M. Vick was duly credited to said Wm H. Vick his father &c.

This Respondent says that he has repeatedly offered to said Wm H. Vick to settle with him and pay over to him the Bonds held by this Respondent as guardian of said Wm H. Vick, in payment of the said Balance of \$1182.99 as reported to be due him by this Respondent.

This Respondent says that the said Balance as reported due by him

was bought on from former accounts &
the accounts will show, that the same
was paid over to him by Andrew J. Vick agent
of Jas. Vick decd, father of said Lemm Vick
in part, and that part of said Balance
was for the price of a negro sild belonging
to said man to G. C. Pierce and part
is held by said Guardian in Bond
for money loaned out by said Guardian
for his use, & which when they lent out
were perfectly paid, to wit. a Bond executed
by Arrington Gardner & James Humble & paid
over to said Guardian as part of said share
of his father's estate, amount \$60.95
Int. from 21 Sep. 1858 to

21 Sep. 1859.

then paid

$$\begin{array}{r} \{ \quad 3.65 \\ \hline 64.60 \\ 30.28 \\ \hline 34.32 \end{array}$$

Int from 21 Sep. 1859

to 16 Feb 1869 - 9 yrs. 4 mo. 25 d

$$\begin{array}{r} \{ \quad 19.27 \\ \hline 53.59 \end{array}$$

The Bond of G. C. Pierce with
Rice B. Pierce, then known for \$700.00

for sale of negro -

Int. from 1st Jan'y 1861

to 15 Jan'y 1861

or - Ansane

$$\begin{array}{r} \{ \quad 1.75 \\ \hline 701.75 \\ 318.52 \\ \hline 353.23 \end{array}$$

Int. from 15 Jan'y 1861

to 16 Feb. 1869 - 8 yrs. 32 d

$$\begin{array}{r} \{ \quad 174.30 \\ \hline 527.53 \\ \hline 581.12 \end{array}$$

over

ans. h. m.

#581.12

bulletin Bulletin Bond for

money lent by guardian of said #603.88

Int. from 15 May 1860

to 16 Feb 1869 - 8 yrs. 9 mo.

315.92 #919.80

and Bond against Seth Cobb

& Jacob Snow, A. W. Noble,

Geo. Barham, Geo. J. Kinder

sum of Briggs, security for #400.00

Int. from 21 Sep. 1860 to

21st. Oct. 1861 - 1 yr. 1 mo

26.00

#426.00

then paid

#225.00

#201.00

Int. from 21 Oct. 1861

to 16 Feb. 1869, 7 yrs. 3.25⁰⁰

88.26 #289.26

Making together the sum of #1790.18

That this Respondent when he

could not collect money for the purpose of
his said ward from these debtors paid
his Bills with his own money & there
has a surplus in said Bond, which now
belongs to this guardian -

the 15th Feb. 1869 the sum of \$3.05 &
That he has paid to said ward on 21st Feb.
1869 in cash \$20. & on 20 March 1869 \$20.

as will be seen by receipts filed herewith &
marked "A. & B" & ^{part of} these payments he made
as a matter of accommodation, when he had
no cash on hand of his ward

This Respondent is advised that

he was required by law to lend out any funds in his hands belonging to his said ward, not needed for current expenses, and this he did to good solvent parties, as before stated, except the Bond against Arrington Gardner which he received from the widow of James, orick as part of this ward's share which Bond was perfectly good, and being good & not needed for current expenses, this Respondent continued to hold as so much money loaned out.

These Bonds were made payable for the money thus loaned out, to this Respondent as guardian as aforesaid and was lent out in good faith to good parties;

This Respondent denies that he is liable to make good any losses that may occur by insolvency of these debtors -

That he used care & caution in selecting parties to take the money, just such persons as any prudent man would have selected, and that if any have become insolvent it has been because of the general ruin of the parties by the results of the late war, & this Respondent protests against being held responsible for the disastrous results of the war.

The owners of property generally lost by the results of the war - this Respondent lost his own, and he can see no good reason why the plain-

Jeff should not lose his property by the war as well as others.

This Respondent avers that he is a prudent man in the management of his business and has been remarkably careful with these matters connected with said David's estate, and that he has done all a prudent man could do to save it, and a large part is yet good. That, it would be unlaupful & unjust to hold this Respondent liable for losses then occurring, when during the war the most prudent could not save their own estates, and in many cases scarcely save themselves - That he lived near Blackwater River as did a part of said settler, where the contending armies frequently met & no prudence or foresight could prevent the loss of property & that none of the parties to said Bond living in the same region, then perfectly good when the Bond was executed, became involved by the results of the war.

Your Respondent prays that he may pay said Balance with the Bond he holds, and which was taken for the identical money he held for his said under the circumstances named

Having answered &c

signed James Holmes

Southampton County to wit.

I will Bradsheaw a Justice
of the peace in and for said County do
certify that James Holmes personally
appeared before him (and made oath
that the foregoing answer contains the
truth to the best of his knowledge and
belief. Given under my hand

this 20. Day of Sep. 1869.

Willis Bradsheaw J P

Vick

"

Winey h

1892

May 21st Dear
friend
to be entered.

Geo. Blow.

Pick

vs 3. Decm

Johnson

To be Entered

E. P. Pitts

Vick

as 3 Decr
J Holmes &c

* both in in this case right and as administrator of
James A Giddett Geo

This cause came on this day to
beard on the bill taken for confessed as to the
defendant James H Jenkins and on the answer
of the defendant James H Holmes, with general
application made by the plaintiff and exhibits
filed and was argued by counsel on consideration
whereof the court doth adjudge, order, and decree,
that James H Holmes settle an account of his
transactions as guardian of William H Vick
before one of the commissioners of this court
who is directed to examine said and settle
~~the same~~ ^{having any accounts, suits or suits in the county, or as}
^{the same} ~~reporting whether the said James~~ ^{as any party}
^{interested} H Holmes has made any investment of the
monies belonging to the ward Wm H Vick,
in what kind of securities, and by what
authority he did the same and make report
thereof to court together with any matters
especially stated deemed pertinent by himself
or which may be required by any of the
parties to be so stated

c. A. Copy
Faded
S. W. Edwards D.C.

Vick

~ { Copy Devere

Holmes Jr

Kelly for sent
for cr-

Southampton Circuit Court November
Term 1869—

Wm Wick

Plaintiff

against

James Holmes in his own right and as
Administrator of James A. Gillette's
Estate vs James H. Ludkins Defendant

In Chancery

This cause came on this day to be heard on the
bill taken for confessed as to the Defendant James
H. Ludkins, & on answer of the Defendant James Holmes
both in his own right & as administrator of James
A. Gillette Decd. with general replication thereto
by the Plaintiff & exhibits filed, and was argued by
counsel, on consideration whereof, the Court doth
adjudge order & decree that James Holmes settle an ac-
count of his transactions as Guardian of Wm Wick
before one of the Commissioners of this Court
who is directed to examine, state & settle the same,
taking any accounts heretofore settled in the County
Court as prima facie correct, liable to be sur-
charged & falsified by any party interested, — reporting
whether the said James Holmes has made any
investment of the monies belonging to his ward
Wm Wick, in what kind of securities, and by
what authority he did the same, and make re-
port thereof to Court, together with any matters specially
stated deemed pertinent by himself or which may be
required by any parties to be so stated.

100
Vick

2 { Rep. Low White

Holmes V.P.

1870 April 1st

William H. Vick "A Minor"

In account with James Holmes "his Guardian"

1869

Feb 10	By Balance due ward by last report as per exhibit D			\$ 1265 34
	Interest on same to 2 nd May 1870			93 22
15	To amt paid ward of receipt	303	00	
21	" " " " " "	20	00	
23	" " " " " "	21	00	
May 2	Commissions on 93.22 @ 5.0%	4	66	
	Balance due ward	1009	10	
		\$ 1358	76	\$ 1358 76

" " By Balance due ward brot down 1009 10
With interest from 2nd May 1870 till paid

Respectfully Submitted
Oscar White

(Comps)

1870 Aug 16. The Bond due
by H. C. Pierce and R. B. Pierce \$534.53
has been paid over to the plaintiff
as also the Bond due by Seth W. Abbott
& Mrs B. Shanks

An Account of Bonds in Possession of James Holmes
Guardian of Wm. H. Vick as follows

1	Bond against Arlington Gardner & James Hunolley for	60 95	
	Int. from 21 st Sept 1858 to 21 Sept 1859	3 65	
		64 60	
	Paid 21 st Sept 1859	30 28	
		34 32	
	Int to 2 nd May 1870	21 85	
			56 17
1	Bond against G. C. Pierce & Rice B Pierce for	700 00	
	Int for 1 Jan'y 1861. to 15 Jan'y 1861	1 73	
		701 75	
	Paid 15 Jan'y 1861	348 52	
		353 23	
	Int. to 2 nd May 1870	127 04	
			550 27
1	Bond against Gillett & Prentiss for	603 88	
	Int for 15 th May 1860 to 2 nd May 1870	361 01	
			964 89
1	Bond against Seth W. Cobb, Jacob Leonard A. W. Kerfoot, John Bachman, J. K. Kinnard & Wm. H. Briggs for	400 00	
	Int from 21 Sept 1860 to 21 Oct 1861	26 00	
		426 00	
	Paid 21 Oct 1861	225 00	
		201 00	
	Int to 2 nd May 1870	102 88	
			303 88
	Total amt Bonds		\$ 1875 21

Respectfully Submitted
Osnier White

Commiss

Comptroller's Office,
Jerusalem, March 17th 1870

To the Circuit Court of Southampton County;

The Undersigned reports to the Court, that pursuant to the Order made by said Court, at the November Term 1869, in the Chancery Cause therein pending wherein Wm. St. Vick is Plaintiff, and James Holmes & others are Defendants - he proceeded to make up the Accounts required by said Order, to wit;

- 1st An Account of the transactions of James Holmes as Guardian of Wm. St. Vick;
- 2^d An Account of Bonds in possession of James Holmes as Guardian of Wm. St. Vick.

The Comptroller would also state specially to the Court, that the said James Holmes made no misstatements of the money belonging to his Ward, but holds the aforesaid Bonds, which are more than sufficient to pay the balance due his Ward, and which Bonds were perfectly good at the time they were taken - All of which is respectfully submitted to the Court.

John H. H. Comptroller

Comptroller's fee \$10.00

S

S

Cr. on Bond

1.75
~~701.75~~
 348.52
~~353.23~~

S

201.30

7554 : 53

200.00

53 54. 55

534.53.

Mr B Shands
attorney Mr 36 Vick

(2)

Vick

~ } Exhbr with bill

Holmes & Co

Wm. H. Vick - a minor -

In account with James Holmes his Guardian

			Dr.	Cr.
1867				
May	2	By balance due Ward this day by former report in U.S. Currency or good money		1025 46
"	"	By balance due Ward this day by former report in Confederate money		77 09
"	"	To paid taxes on land for 1867 - Your part.	4 27	
"	"	" " Taxes on land for 1868 " "	4 27	
"	"	By rent rec ^d . for land for 1867 " "		110 39
"	"	" " " " land for 1868 " "		42 00
"	"	To paid taxes for self for 1867	2 00	
"	"	" " Taxes " " 1868	2 75	
1868				
May	2	By interest on \$1025 ⁴⁶ / ₁₀₀ 1 yr. in good money		61 32
"	"	" " on \$77 ⁰⁹ / ₁₀₀ 1 yr. Confederate money		4 62
"	"	To Commissions on \$148. ⁵³ / ₁₀₀ @ 5 %	7 42	
"	"	" Balance due Ward	1230 37	
			1257 08	1257 08
1869				
Jan	18	By balance due Ward brot. down		1230 37
Feb	16	To Cash advanced Ward	10 00	
"	"	By Interest on \$1148 ⁶⁶ / ₁₀₀ in good money 8 1/2 mo.		48 81
"	"	" Int on \$87. ⁷¹ / ₁₀₀ Confederate money 8 1/2 mo.		3 47
"	"	To Commissions on \$52. ²⁸ / ₁₀₀ @ 5 %	2 61	
"	"	" Commissioners fee for making up this account & copy	3 00	
"	"	" Clerk's fee for recording same	1 50	
"	"	" Balance due Ward	1265 54	
			1282 65	1282 65
"	"	By balance due Ward brot. down		1265 54
		As follows \$1180 ³⁶ / ₁₀₀ on good money or U.S. Currency, and the balance of \$85. ¹⁵ / ₁₀₀ is in Confederate currency, with interest on each said amounts till paid -		

Respectfully Submitted

Henry S. Howard Com

Commissioners Office
Jerusalem Feby 16, 1869.

To the County Court of Southampton County

Your Commissioner reports to Court, that James Holmes guardian of William M. Vick has exhibited before him a statement of all moneys received by the said guardian or with which he had become chargeable, or had disbursed during the period embraced in the foregoing account together with the vouchers in support of the disbursements - That he finds a balance of \$1265.⁵⁴/₁₀₀; "One thousand two hundred sixty five dollars fifty four cents" to be due to the ward as follows. \$1180.³⁶/₁₀₀ in good money or U.S. Currency, and the balance of \$85.¹⁸/₁₀₀ in Confederate money, with interest on each said amount from this day till paid - That the said account is supported by satisfactory vouchers and that the said guardian has given such bond as the law requires, the penalty whereof and the securities thereto are sufficient in the opinion of the Commissioner That the said guardian was embraced in the list of fiduciaries posted up at the front door of the Court house of Southampton County on the first day of January Court last, and now on this day, ten days having elapsed since the same was thus posted up, the foregoing account is made up and completed -

Given under my hand as Commissioner aforesaid, the day and year first aforesaid
Henry S. Howard Commissioner

Southampton County In the Clerks Office February the 17th 1869
This account of James ~~H~~ Holmes Guardianship of William M. Vick was this day returned & filed for exceptions. And at a Court held for the said County on the 21st day of June 1869, the said account having lain one month & upwards in the Clerks Office & no exceptions being filed thereto, was examined, confirmed & ordered to be recorded -

Teste

Edwin White C.C.

Attest

Teste

L.R. Edwards D.C.

In Southampton Circuit Court.

William H. Vick

Plff

against
James Holmes in his own right and as administrator of James A. Gillette & John M. Vick &
James H. Jenkins. Dfts

1869 July 12th Summons issued

" Aug. Rules - Sum set? Executed - Bill filed - D. Nov. & Dfts

" Sept " Bill taken for Confessed

" Oct " Cause set for hearing.

" Nov. T. ans. of Dft Holmes Gen. Rpts. & decree for aut.

1872 May Bill dropped each party to pay their own costs

Vick
as
Holmes & Co

Executed
W W Briggs
By Staff

COMMISSIONER'S OFFICE,

Jerusalem,

January 11th 1870

To

W. H. Vick

Plaintiff

Against

James Holmes in his own right and
as Administrator of James A. Gillette and
John M. Vick and James A. Jenkins Deft

You are hereby notified that I have fixed upon the 12th day of February next, if fair,
if not, on the next fair day thereafter, (Sunday excepted,) to take and settle, at my office, the follow-

ing accounts, to wit:

An account of the transactions of
James Holmes as Guardian of W. H. Vick and
also reporting whether the said James Holmes
has made any investment of the monies be-
longing to his ward W. H. Vick in what
kind of securities and by what authority
he did the same

required to be taken by a decree of Southampton Circuit Court, rendered on the 11th day of

November

1869,

in a suit in Chancery, depending in said Court, in which you are
parties, plaintiffs, and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

Corrin White

Commissioner.

To the Sheriff of Southampton County to execute.

W H Vick
Receipt

W H

\$20.00

Feb 3, 1869 Received of James
Holmes twenty dollars in part-pay-
ment of Guardian fee.
Wm H. Vick

Received of James Holmes (Guardian)
Twenty dollars in full payment of Guardian
apre.

March 25th 1869.

Wm. H. Vick

Sent by Dudley Lawrence

175- Seaboard Bank of Virginia

60 Virginia Bank

20 Farmers

10 Centre Bank

10 Howardsville

20 Cape Fear North Carolina

10 State of N. C.

\$305.

July 15th 1869. Recd. of James Holmes
my late friend the author of the sum
of the hundred and five dollars, in
the notes specimen on the other side
H. H. Tick

11/15

rich n

Holmes

3 Exhibits

a B He

plus with

Say Holmes

amnes

Executed by delivering James D. Dickinson
a copy of this summons on the 28th day
of July 1869 - I went to the house of James
Holmes on the 2^d day of August 1869 and
he being absent from home I delivered a copy
of this summons to Delilah Holmes his wife
and gave information to her of its purport, she being
a white Member of his family and about the age of
sixteen years

W. W. Briggs
to deliver said

Wick

at { Sum. Chy

Thomas W.

1869 August Rules

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of the County of Southampton—Greeting:

We command you to summon

*James Holmes in his own right, as admor. de bon non of
James A. Gell the dec? & as admor. of John M. Vick dec? & James H. Jenkins*

bring
if *they* be found within your bailiwick, to appear at the Clerk's Office of our court of Southampton County,
at the Rules to be holden for the said court, on the first Mondy in *August next to answer a bill in
Chancery exhibited against them in our said Court by Wm. H. Vick—*

And have then there this writ

Osborn White
Witness, ~~LITTLETON R. EDWARDS~~, Clerk of our said Court, at the Court-House, this *12* day of

July A. D., 186*9*, in the *94* year of the Commonwealth.

O. White Clk

Memorandum
for Clerk of papers
to be copied and filed
as exhibits

Memorandum for clerk

Copy James Holmes' guardian bond
of Wm - H Vick as son M Vick Exhibit A
#

Letter testimony of James Holmes
as adms de bonis non of Jas A Gillette
and adms of J. H. M Vick
Exhibit B & C

James Holmes last guardian account
of Wm - H Vick of Feb 15 - 1869
Exhibit D and file in papers of
Vick
as to
Holmes's

Wick

u } Ret. with Com
White Rept.

Holmes

1870 April 1st.

With

to

Holmes

Deft

Deft

In Chancery

Deposition of James Holmes taken this 22^d day of
February, 1870, before the Commissioner, who being
Sworn says That the note executed by Gillett &
Friston for \$403.88 and dated this 15th May 1840,
and made payable to him as Guardian, was
in fact the funds of his ward Et^{na} H. Dick-
son and was loaned to said Gillett & Friston who
were then perfectly responsible

James Holmes